

IN THE MATTER OF PERMIT 28257)
FILED BY ROBERT C. AND SHIRLEY)
S. NOWAK TO APPROPRIATE THE)
WATERS OF AN UNDERGROUND SOURCE,)
IN DIXIE VALLEY, CHURCHILL COUNTY,)
NEVADA.)

R U L I N G

128

GENERAL:

Application 28257 was filed on April 12, 1974, by Robert C. and Shirley S. Nowak to change the point of diversion and place of use of 2.7 c.f.s. of water heretofore appropriated under Permit 26245. The new point of diversion is located within the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 34, T.21N., R.34E., M.D.B.&M. The new place of use is 160 acres in the NE $\frac{1}{4}$, Sec. 34, T.21N., R.34E., M.D.B.&M.

A permit was granted under Application 28257 on October 2, 1974. On May 12, 1975, the Proof of Commencement of Work was filed under the permit indicating that a 20 inch well was drilled to a depth of 501 feet and cased with 20" and 16" casing. On May 2, 1976, the Proof of Completion of Work became due under the Permit. On May 11, 1976, this office received a completed Proof of Completion of Work signed by Robert C. Nowak. The proof again indicated the drilling of a well to a depth of 501 feet and cased with 20" and 16" casing. The proof also indicated the installation of a pump, gear head and diesel engine. However, the proof indicated that the appropriate permit was 26245. As a result, the proof was filed as an amended proof under Permit 26245. Permit 28257 was subsequently cancelled on June 15, 1976.

The permittee, Mr. Robert C. Nowak, was in the State Engineer's Office on October 26, 1976. At that time he stated that the Proof of Completion was intended to have been filed under Permit 28257, and that the listing of Permit 26245 on the proof was an error.

RULING

The cancellation of Permit 28257 is herewith rescinded on the grounds that the permittee showed full intention of complying with the terms of the permit and that the cancellation was due to a clerical error. Permit 28257 will be restored to active status and the Proof of Completion previously filed under Permit 26245 will be filed under Permit 28257.

Respectfully submitted,


Roland D. Westergard
State Engineer

RDW:BLR:jw

Dated this 8th day of
November, 1976.