

IN THE MATTER OF PERMIT 28683)
IN THE NAME OF DAVID L. STEPHENS))
TO APPROPRIATE WATER FROM AN) R U L I N G
UNDERGROUND SOURCE IN CLARK)
COUNTY, NEVADA.)

GENERAL:

Application 28683 was filed September 12, 1974, in the name of David L. Stephens to appropriate 1.0 c.f.s. of water from an underground source located within the SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 11, T.16S., R.67E., M.D.B.&M. to be used for irrigation and domestic purposes on 30 acres located within the same 40-acre legal subdivision as the point of diversion. This application became ready for action by the State Engineer's Office on December 16, 1974.

A permit was issued under Application 28683 on February 14, 1975, in the amount of 1.0 c.f.s. for irrigation and domestic purposes. A timely Proof of Commencement of Work was filed under Permit 28683 on October 8, 1975. The deadline for the filing of a Proof of Completion of Work was September 14, 1976, as established by the terms of the permit. On September 15, 1976, David L. Stephens was notified by certified letter from the State Engineer's Office that the deadline for the filing of a Proof of Completion of Work had passed and a 30 day grace period for the filing of said proof was allowed by that notice. No Proof of Completion of Work had been received by the State Engineer's Office by October 15, 1976, and Permit 28683 was therefore cancelled on October 19, 1976 for failure to comply with the terms of the permit.

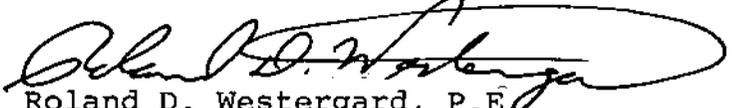
A Proof of Completion of Work was received by the State Engineer's Office on November 2, 1976. This proof had been forwarded from the Las Vegas Branch Office of the Division of Water Resources. The proof had been received by the Las Vegas Branch Office on October 13, 1976, but this date of filing was not noted by the State Engineer's Office. The Proof of Completion of Work was therefore returned on November 4, 1976, to Mr. David L. Stephens with a cover letter indicating that the permit had been cancelled and the proof could not therefore be accepted.

On November 12, 1976, the State Engineer's Office was notified by the Las Vegas Branch Office that the Proof of Completion of Work under Permit 28683 had been filed on October 13, 1976, in that office, and that the proof had therefore been filed within the 30 day grace period allowed by the State Engineer's notice dated September 15, 1976.

RULING

The cancellation of Permit 28683 is herewith rescinded on the grounds that the permittee did file the Proof of Completion of Work within the time limits established by the State Engineer's notice of September 15, 1976. Permit 28683 is hereby restored to active status and an additional 30 days is hereby allowed for the refiling of the Proof of Completion of Work under Application 28683.

Respectfully submitted,


Roland D. Westergard, P.E.
State Engineer,

RDW:BAR:jw

Dated this 28th day of
December, 19 76.