

IN THE MATTER OF THE CANCELLATION OF)
PERMITS 29797 AND 29798 IN THE NAME OF)
LAKNER-MANFREDI FOR THE WATERS OF AN)
UNDERGROUND SOURCE LOCATED IN WASHOE)
COUNTY, NEVADA)

R U L I N G

FINDINGS OF FACT

I
Application 29797 was filed on November 20, 1975, by Lakner-Manfredi to appropriate 4.0 c.f.s., of water for irrigation and domestic purposes. The point of diversion was described as being within the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 1, T.18N., R.19E., M.D.B. & M., and the place of use was described as 11.15 acres in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ and the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 1, T.18N., R.19E., M.D.B. & M. This application became ready for action on March 5, 1976.

Application 29798 was filed on November 20, 1975, by Lakner-Manfredi to appropriate 4.0 c.f.s., of water for irrigation and domestic purposes. The point of diversion was described as being within the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 1, T.18N., R.19E., M.D.B. & M., and the place of use was described as 11.15 acres in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ and the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 1, T.18N., R.19E., M.D.B. & M. This application became ready for action on March 5, 1976.

II

Permits under Applications 29797 and 29798 were issued on April 26, 1976, in the amount of 1.0 c.f.s., under each application, for irrigation and domestic purposes. The conditions of each permit required that the Proof of Commencement of Work be submitted to the State Engineer's office on or before November 26, 1976, and the Proof of Completion of Work be submitted to the State Engineer's office on or before November 26, 1977. Notice was sent out by certified mail dated November 26, 1976, to Mr. Ralph A. Manfredi at 1042 Washington Street, Reno, Nevada 89503, to the effect that the Proof of Commencement of Work or an Application for Extension of Time, in which to file said Proof of Commencement of Work, must be received and filed within the State Engineer's office within 30 days of the date of the notice. On December 22, 1976, Applications for Extension of Time were received under Permits 29797 and 29798 requesting an extension of time of one (1) year for filing the Proof of Commencement of Work under the subject permits. Extension of time was subsequently granted to November 26, 1977 under Permits 29797 and 29798 for the filing of the Proof of Commencement of Work. On November 28, 1977, notice was forwarded, by certified mail, to Ralph A. Manfredi of 1042 Washington Street, Reno, Nevada 89503, notifying the applicants, under Permits 29797 and 29798, that the Proof of Commencement of Work and Proof of Completion of Work with Well Log, would be required to be received and filed in the State Engineer's office within 30 days of the date of the certified notice.

The Proof of Commencement of Work was subsequently submitted under Permits 29797 and 29798 on December 22, 1977, prior to the expiration of the 30 day period specified in the certified notice. The Commencements of Work submitted were incomplete and unacceptable and were returned to Mr. Ralph A. Manfredi and Mr. Richard E. Manfredi of 1601 Viewcrest Drive, Reno, Nevada 89502, on January 5, 1978, by certified mail. A letter, under the signature of Brian A. Randall, Hydraulic Engineer of the Division of Water Resources, accompanied the Proofs of Commencement outlining in detail the reasons that the Proofs were being returned. The letter also specified that the corrected Proofs must be received in this office within 15 days of the date of the letter or the permits would be subject to cancellation. Intent to drill cards dated December 19, 1977, for Permits 29797 and 29798 were submitted to the State Engineer's office by Reno Pump and Supply (Well Driller's license, No. 285) on December 22, 1977. No response was received in the State Engineer's office to the letter of January 5, 1978, and no Proofs of Commencement, in proper form, were resubmitted.

On March 10, 1978, Permit 29798 was cancelled on the records of the State Engineer's office, for failure of the applicant to comply with the provisions of the permit. On March 17, 1978, Permit 29797 was cancelled on the records of the State Engineer's office, for failure of the applicant to comply with the provisions of the permit.

IV

On April 4, 1978, at the request of Mr. and Mrs. Ralph A. Manfredi, the cancellation of Permits 29797 and 29798 were reviewed in the office of the State Engineer. Present for the review were: Mr. Roland D. Westergard, State Engineer, Mr. Peter G. Morros, Office Engineer, and Mr. and Mrs. Ralph A. Manfredi. A review of the files under Permits 29797 and 29798 disclosed that in the past almost all correspondence and notices had been forwarded to Mr. Ralph A. Manfredi of 1042 Washington Street, Reno, Nevada 89503. The letter dated January 5, 1978, returned the Proofs of Commencement of Work under the referenced permits and was forwarded to Ralph A. Manfredi and Richard E. Manfredi of 1601 Viewcrest Drive, Reno, Nevada 89502. No copy was forwarded to the applicant or their Agent at the address of 1042 Washington Street, Reno, Nevada 89503.

V

A well log, supporting Permit 29798 was submitted to the office of the State Engineer on April 10, 1978. Mr. Manfredi indicated at the review, that upon completion of the well under Permit 29798, he intended to proceed with the drilling of the well under 29797 permit. After being informed by Mr. Dave Boyer and Mr. Peter G. Morros of the staff of the State Engineer's office, that Permits 29797 and 29798 had been cancelled, he was made aware of the fact that he could not drill in a designated basin without the benefit of a permit and drilling operations were ceased on February 14, 1978.

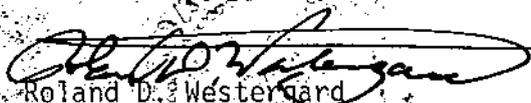
CONCLUSIONS

1. Permit 29798 was cancelled on March 10, 1978 and Permit 29797 was cancelled on March 17, 1978.
2. Proofs of Commencement of Work were submitted under Permits 29797 and 29798 prior to November 26, 1977.
3. The Proofs of Commencement of Work, submitted prior to November 26, 1977, were incomplete and unacceptable and were returned by certified mail dated January 5, 1978, with a cover letter under the signature of Brian A. Randall, outlining the discrepancies.
4. No copy of the letter of January 5, 1978, was forwarded to the applicants mailing address at 1042 Washington Street, Reno, Nevada 89503, therefore the applicants were not fully notified of the deficiencies in the Proofs of Commencement of Work, submitted.

RULING

The cancellation of Permits 29797 and 29798 are hereby rescinded on the grounds that the applicants were not properly notified of the deficiencies in the Proofs of Commencement of Work that were timely submitted in support of Permits 29797 and 29798. The Proofs of Commencement and Proofs of Completion, along with well logs, will be due in this office within 15 days of the date of this ruling. No further extension of time will be considered for submitting the Proofs of Commencement of Work.

Respectfully submitted,


Roland D. Westergard
State Engineer

RDW:PGM:bc

Dated this 12th day
of April 1978.