

IN THE MATTER OF PERMIT 27491)
IN THE NAME OF WILLIAM MORGAN LYNN)
AND JEFFREY ALLEN LYNN TO APPROPRIATE)
WATER FROM AN UNDERGROUND SOURCE IN)
RAILROAD VALLEY, NYE COUNTY, NEVADA.)

R U L I N G

173B

GENERAL:

Application 27491 was filed on May 29, 1978 in the name of William Morgan Lynn and Jeffrey Allen Lynn to appropriate 5.4 c.f.s. of water from an underground source located within the NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 12, T.9N., R.57E., M.D.B.& M. for irrigation and domestic use on 320 acres within the NW $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$ Section 12 and S $\frac{1}{2}$ NE $\frac{1}{4}$ Section 11, T.9N., R.57E., M.D.B.& M. A permit was granted under the application on October 18, 1973 in the amount of 5.4 c.f.s., not to exceed 4 acre-feet per acre per annum for irrigation and domestic purposes.

In compliance with the terms of the permit, a Proof of Commencement of Work was timely filed on May 30, 1974 and a Proof of Completion of Work was timely filed on June 2, 1975. The permit required the filing of a Proof of Beneficial Use on or before May 18, 1978.

As required by NRS 533.390, on May 18, 1978 the permittee was notified by certified letter that the Proof of Beneficial Use and cultural map were due to be filed in the State Engineer's Office on or before May 18, 1978 but that such proof and supporting map had not been received. Accordingly, a 30-day grace period was granted for the filing of said proof and map or a request for extension of time. That notice was mailed to the permittee at 3325 North Nellis #147, Las Vegas, Nevada, which was the address given on the Proof of Completion of Work. The certified notice was returned to the State Engineer's Office on May 30, 1978 by the postal service marked "Return to Sender. Moved, Left No Address".

On July 7, 1978 a second certified notice was mailed to the permittee and addressed to Tonopah Stage, Ely, Nevada, which was believed by the State Engineer's Office to be the current address of Jeffrey Lynn. That notice was returned to the State Engineer's Office on July 28, 1978 by the U. S. Postal Service marked "Returned to Sender. Unclaimed."

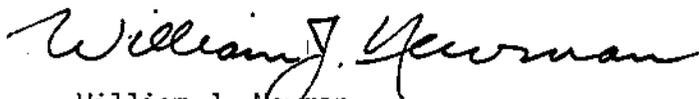
Permit 27491 was cancelled on December 13, 1978 for failure of the applicant to comply with the provisions of the permit.

The State Engineer's Office was notified on February 1, 1979 by telephone call from Mr. Morgan Lynn that the notices which had been mailed by the State Engineer's Office were sent to an incorrect address and should have been mailed to 6228 Dayton Avenue, Las Vegas, Nevada, which is the current address of the permittee and which was the address given on the original application form. By subsequent letter dated February 1, 1979 from Mr. Morgan Lynn it was stated that the addresses to which the first two certified notices had been mailed were incorrect, that notice should have been mailed to 6228 Dayton Avenue, Las Vegas, Nevada, and that the permittee requested reinstatement of the permit.

RULING:

The cancellation of Permit 27491 is herewith rescinded on the grounds that certified notice required under NRS 533.390 should have been addressed to the permittee at 6228 Dayton Avenue, Las Vegas, Nevada, as described in the body of the original application. Permit 27491 will be restored to active status, and a 30-day grace period will be provided from the date of the issuance of this ruling for the filing of Proof of Beneficial Use and cultural map under the permit or a request for an extension of time for the filing of such proof.

Respectfully submitted,



William J. Newman
State Engineer

WJN/BAR/dh

Dated this 28th day

of February 1979.