

IN THE MATTER OF APPLICATION 36888)  
FILED TO APPROPRIATE UNDERGROUND )  
WATER IN CLARK COUNTY, NEVADA )

R U L I N G

INTRODUCTION

Application 36888 was filed on March 5, 1979 by Chris Farrell to appropriate 0.05 c.f.s. of the waters of an underground source for quasi-municipal and domestic purposes within the Las Vegas Valley Ground Water Basin in Clark County, Nevada. The point of diversion is described as being within the NW $\frac{1}{4}$  SW $\frac{1}{4}$  Section 6, T.22S., R.62E., M.D.B.&M. and the place of use is described as being within the NW $\frac{1}{4}$  SW $\frac{1}{4}$  Section 6, T.22S., R.62E., M.D.B.&M. Under remarks the applicant stated that he proposes to provide domestic water to approximately 8 residential units. On September 28, 1979, a permit was granted under Application 36888 for 0.05 c.f.s. but not to exceed 2.92 million gallons annually. The permit was also granted with the provision that it was being issued subject to existing rights and further subject to revocation if and when water could be furnished by an entity such as a water district or a municipality engaged in furnishing water. A requirement was also included providing for a totalizing meter to be installed in the discharge pipeline near the point of diversion and accurate measurements of water placed to beneficial use be kept.

On May 29, 1980, the proof of commencement of work under Permit 36888 was filed indicating that an 8" well had been drilled to a depth of 290 feet. The terms of the permit further required that the proof of completion of work be filed on or before April 28, 1981, and the proof of beneficial use be filed on or before April 28, 1983.

On April 28, 1981, a certified notice was forwarded to Chris Farrell at 3134 Greenbriar Drive, Las Vegas, Nevada 89121, indicating that the provisions of the permit required that the proof of completion of work be filed on or before April 28, 1981. The notice also provided that the proof of completion of work be filed in the office of the State Engineer in 30 days from the date of the certified notice or the permit would be subject to cancellation. A copy was also forwarded to Stephen Turner, State Water Right Surveyor, under certified mail number 7282307. Return receipts of record in the office of the State Engineer indicate that certified mail number 7282306 was received at 3134 Greenbriar Drive, Las Vegas, Nevada 89121, and signed for by Christian Farrell on May 1, 1981. In addition the copy of the certified notice that was forwarded to Stephen Turner at 2325 West Charleston Blvd., Las Vegas, Nevada 89102, was received on April 30, 1981, and signed for by a P. Berglund. The return receipt for both certified notices are a matter of record in file number 36888 in the office of the State Engineer.

In addition, on July 3, 1979, upon approval of the Application No. 36888, for issuance of a permit, a notice was forwarded to Mr. Chris Farrell at 3134 Greenbriar Drive, Las Vegas, Nevada 89121, requesting a permit fee in the amount of \$10.00 as required under the provisions of NRS 533.435. The required permit fee was received in the office of the State Engineer on July 25, 1979, represented by Check No. 1449 C & D Investment, Real Estate Division, Box 12665, Las Vegas, Nevada 89121.

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No notice concerning the requirement of the proof of completion of work was forwarded to the address of C & D Investment, Real Estate Division, Box 12665, Las Vegas, Nevada 89121.

On June 3, 1981, Permit 36888 was cancelled for failure of the applicant to comply with provisions of the permit, namely, failure of the applicant to file the proof of completion of work or application for extension of time as required under the terms of the permit.

Since the cancellation of Permit 36888 Mr. Chris Farrell has had several conversations with staff members of the Division of Water Resources, both from the Las Vegas Branch office and the Carson City office. On September 18, 1981, Mr. Farrell submitted a statement dated September 10, 1981, setting forth in detail the circumstances that preceded the cancellation of Permit 36888. Mr. Farrell indicated in his statement, that the requirements for completion of work on the well, represented by Permit 36888, had been accomplished and that water from this well was being placed to beneficial use for more than one year. Field inspection made by personnel from the Division of Water Resources Branch office in Las Vegas, Nevada, have confirmed, in fact, that the well under 36888 has been completed and been in use for some time. The statement of Mr. Farrell is made a part of this Ruling by reference and is a matter of record under Permit 36888 on file in the office of the State Engineer in Carson City, Nevada.

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The cancellation of Permit 36888 is hereby rescinded on the grounds that proper notice was not forwarded to the applicant at C & D Investment, Real Estate Division, Box 12665, Las Vegas, Nevada 89121, indicating that the proof of completion of work was required to be filed under the terms of the permit. Proof of completion of work under Permit 36888 must be filed in the office of the State Engineer within 30 days of the date of this Ruling or Permit 36888 will be subject to cancellation with no further proceedings thereunder.

Respectfully submitted,



Peter G. Morros  
State Engineer

PGM/bc

Dated this 15th day of  
OCTOBER, 1981.