

IN THE OFFICE OF THE STATE ENGINEER

IN THE MATTER OF APPLICATIONS 36671)
AND 36672 FILED TO APPROPRIATE THE)
WATERS OF AN UNDERGROUND SOURCE IN)
PARADISE VALLEY GROUND WATER BASIN,)
HUMBOLDT COUNTY, NEVADA.)

RULING

GENERAL

Applications 36671 and 36672 were filed on February 8, 1979, by Paradise Land & Cattle Co. to change the point of diversion and place of use of a portion of the underground water of Paradise Valley heretofore appropriated under Permit 12473.¹

Applications 36671 and 36672 were granted on February 27, 1980, and Proofs of Completion of Work and well logs were filed on March 26, 1980.¹

FINDINGS OF FACT

I.

The owner of record and designated agent under Permits 36671 and 36672 were notified, by certified letter dated June 21, 1984, that the permits were in poor standing since the Proof of Beneficial Use and cultural map had not been filed in compliance with the provisions of the permits. The final notice required that the Proof of Beneficial Use and cultural map or an extension of time be filed by July 21, 1984, or the permits would be cancelled.¹

II.

The Proof of Beneficial Use and cultural map or an extension of time were not filed within the time frame allowed and Permits 36671 and 36672 were cancelled on July 26, 1984. A certified letter was sent that date to the permittee and designated agent advising them of the cancellation.¹

III.

The permittee met with representatives of this office and advised them that extensions of time had been filed on July 18, 1984, under Permits 13032 and 13557. Upon reviewing the files, it was discovered that extensions of time had been filed under Permits 13032 and 13557 on that date. Permits 13032 and 13557 had been certificated and did not require extensions of time. They had been returned to the agent on July 20, 1984, asking if they had intended to file an extension of time for working a forfeiture.¹

¹ Public record in the office of the State Engineer.

IV.

The permittee has informed this office that the permit numbers indicated on the extension of time requests received in this office on July 18, 1984, were in error and the requests were for Permits 36671 and 36672.

CONCLUSIONS

I.

The State Engineer has jurisdiction in this matter in accordance with NRS 533.380, 533.395 and 533.410.

II.

An obvious error on the part of the permittee had been made on the extension forms referencing the incorrect permit numbers.

III.

The requests for extension of time received on July 18, 1984, were in proper form and received within the 30 day deadline of the final notice of June 20, 1984.

RULING

The cancellation of Permits 36671 and 36672 are hereby rescinded and processing of the applications for extension of time will proceed.

Respectfully submitted,


PETER G. MORROS
State Engineer

PGM/CT/bl

Dated this 14th day of
August, 1985.