

IN THE OFFICE OF THE STATE ENGINEER

IN THE MATTER OF THE REINSTATEMENT)
OF CANCELLED PERMITS 41976 AND 41977)
IN TRUCKEE MEADOWS, WASHOE COUNTY,))
NEVADA.)

RULING

FINDINGS OF FACT

I.

Application 41976 was filed on August 5, 1980, by Hydrothermal Energy Corporation to appropriate 2.5 c.f.s. of underground geothermal water for heating purposes. The point of diversion is located within the SW1/4 NW1/4 Section 24, T.19N., R.19E., M.D.B.&M.

Application 41977 was filed on August 5, 1980, by Hydrothermal Energy Corporation to appropriate 2.5 c.f.s. of underground geothermal water for heating purposes. The point of diversion is located within the SW1/4 NE1/4 Section 25, T.19N., R.19E., M.D.B.&M.

The above applications were approved and permits issued on August 20, 1981.

II.

By a certified mail notice dated September 23, 1985, the permittee was advised that the Proof of Completion of Work and Proof of Beneficial Use had not been filed within the time limits established in Permit 41976 and 41977 and the permits were in poor standing. Said notice stated that the required documents had to be submitted on or before thirty (30) days from the date of the notice or the permits would be cancelled.

III.

On November 27, 1985, Permits 41976 and 41977 were cancelled for failure to submit the Proof of Completion of Work and Proof of Beneficial Use.

IV.

Upon learning of the cancellation Mr. Jim Hadden informed the State Engineer's office that he was the agent for the permittee, had informed this office that he was acting as agent prior to the final notice but had not been sent a copy of the notice or the cancellation.

V.

A review of the records at the State Engineer's office found that Mr. Hadden had acted as agent on other permits in the name of Hydrothermal Energy Corporation as early as December 18, 1984.

CONSLUSIONS

I.

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

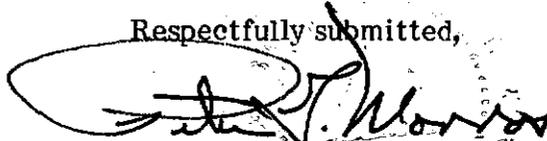
II.

Mr. Hadden had acted as agent for Hydrothermal Energy prior to the final notice of September 23, 1985, but was not sent a copy of said notice.

RULING

The cancellation of Permits 41976 and 41977 is hereby rescinded with no loss in priority and another final notice will be sent to Mr. Hadden as agent.

Respectfully submitted,



PETER G. MORROS
State Engineer

PGM/CT/bk

Dated this 29th day of

June, 1988.