

IN THE OFFICE OF THE STATE ENGINEER
OF THE STATE OF NEVADA

IN THE MATTER OF PERMIT 47634)
FILED TO APPROPRIATE THE PUBLIC)
WATERS WITHIN THE LAS VEGAS)
ARTESIAN BASIN, CLARK COUNTY,)
NEVADA.)

RULING

3889

GENERAL

I.

Application 47634 was filed on January 30, 1984, by Lucky L. Miller to appropriate 0.04 c.f.s. of water from an underground source for quasi-municipal and domestic purposes within the W1/2 SE1/4 NW1/4 SE1/4 Section 25, T.19S., R.59E., M.D.B.&M. The point of diversion is described as being within the NW1/4 SE1/4 Section 25, T.19S., R.59E., M.D.B.&M.¹

II.

Application 47634 was approved on August 30, 1984. The time set for filing the proof of completion of work was September 30, 1986. The time set for filing the proof of beneficial use was September 30, 1989. Two one-year extensions were granted to permittee Lucky L. Miller to set a new date for filing the proof of completion of work to September 30, 1988. The proof of completion of work was timely filed on November 14, 1988. Two one-year extensions were granted to permittee Lucky L. Miller for filing the proof of beneficial use to September 30, 1991.

FINDINGS OF FACT

I.

On April 1, 1991, a Final Notice for filing proof of beneficial use was sent to the permittee and he was notified on October 18, 1991, that Permit 47634 had been cancelled for failure to comply with the terms of the permit.

¹ Public record in the office of the State Engineer.

II.

On October 28, 1991, Sam Michelli submitted a letter notifying the State Engineer's Office that an extension of time to submit the proof of beneficial use had been granted to September 30, 1991 for Permit 47634.¹

CONCLUSIONS

I.

The State Engineer has jurisdiction in this matter under the provisions of NRS 533.325 and NRS 533.435.

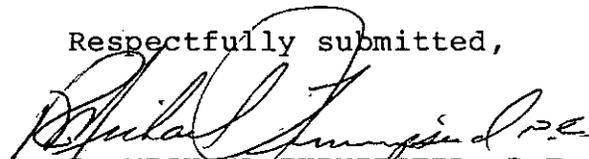
II.

After reviewing records in the State Engineer's Office, it was determined that the extension of time for filing the proof of beneficial use had been granted to September 30, 1991, and the final notice of April 1, 1991, was sent in error.

RULING

The cancellation of Permit 47634 is hereby rescinded with no loss of priority on the grounds that the extension of time to submit proof of beneficial use had been granted and the final notice was sent in error.

Respectfully submitted,


R. MICHAEL TURNIPSEED, P.E.
State Engineer

RMT/DJL/pm

Dated this 2nd day of
June, 1992.