

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

IN THE MATTER OF CANCELLED PERMIT)
50540 FILED TO APPROPRIATE THE)
UNDERGROUND WATERS OF PLEASANT)
VALLEY, WASHOE COUNTY, NEVADA.)

RULING
3913

GENERAL

I.

Permit 50540 was approved on August 26, 1988, for 1.0 cubic feet per second for fire protection. The well is located in the SW1/4 of the SE1/4 of Section 2, in T.17N., R.19E., M.D.B.&M., in Washoe County, Nevada.¹

II.

The proof of completion of work was due on September 26, 1991 under NRS 533.380. On September 27, 1991, the final notice was sent to the permittee stating that the proof of completion of work and well log were due. The final notice also stated that the permittee was given 30 days from the date of the final notice to file the proof of completion of work and well log or a request for extension of time. The final notice was sent by certified mail. The final notice was not delivered, but was returned to the State Engineer with the envelope stamped "Return to Sender Addressee Unknown."¹

III.

On December 16, 1991, Permit 50540 was cancelled pursuant to NRS 533.410. The notification of the cancellation was sent by certified mail, however, it was also returned after an unsuccessful attempt to deliver the letter.¹

FINDINGS OF FACT

I.

After a review of the file of Permit 50540, it was discovered that both the final notice and the cancellation letter were sent to the permittee at Old Galena Limited, P. O. Box 2902, Reno, Nevada 89505. However, the permittee's address as stated

¹ File 50540, official records in the Office of the State Engineer.

on the application, is P.O. Box 2903, Reno, Nevada 89505. The State Engineer finds that an error was made in sending the final notice and the letter cancelling Permit 50540. These notices were sent to an incorrect address through no fault of the permittee.

II.

The State Engineer finds that there is good cause to reinstate Permit 50540.

CONCLUSIONS

I.

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

II.

The State Engineer concludes that the permittee through no fault of his own was not properly notified of the final notice and the letter cancelling Permit 50540. Therefore, Permit 50540 should be reinstated and a new final notice should be sent to the current owner of Permit 50540.

RULING

The cancellation of Permit 50540 is hereby rescinded on the grounds that the permittee was not properly noticed. A new final notice will be sent to the current owner and he will be required to comply with the provisions of that final notice.

Respectfully submitted,


R. MICHAEL TURNIPSEED, P.E.
State Engineer

RMT/JCP/pm

Dated this 8th day of
December, 1992.