

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

IN THE MATTER OF CANCELLED PERMIT 56880 )  
FILED TO APPROPRIATE THE PUBLIC WATERS )  
OF AN UNDERGROUND SOURCE WITHIN THE LAS )  
VEGAS ARTESIAN GROUND WATER BASIN (212), )  
CLARK COUNTY, NEVADA. )

RULING

**#4226**

GENERAL

I.

Application 56880 was filed on October 29, 1991, by John S. Savett to appropriate 0.00619 cfs of water from an underground source for quasi-municipal and domestic purposes for use within a portion of the SW $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 15, T.22S., R.60E., M.D.B.&M. The proposed point of diversion is described as being within the SW $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 15, T.22S., R.60E., M.D.B.&M.<sup>1</sup> Revocable Permit 56880 was issued on June 8, 1992, to serve 4 residences. Pursuant to the permit terms, the proof of completion of work was to be filed in the Office of the State Engineer on or before July 8, 1994.

FINDINGS OF FACT

I.

The State Engineer finds that on July 11, 1994, notice was sent to John S. Savett and his agent, Harlin King, advising them that the Proof of Completion of Work had not been filed within the time limits established in Permit 56880 and said permit was in poor standing and subject to cancellation. The notice stated that the proof of completion of work had to be filed in the Office of the State Engineer within thirty days from the date of the notice or the permit would be cancelled.<sup>1</sup>

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<sup>1</sup> File No. 56880, official records in the Office of the State Engineer.

II.

The State Engineer finds that Garland Construction paid the fee for filing Application 56880, and on that basis could be considered as having a sufficient interest in this matter to have warranted notice of the cancellation. However, Garland Construction was not sent notice of the cancellation.

III.

Application 56880 was cancelled on October 10, 1994, for failure of the applicant to comply with the permit terms by filing the required Proof of Completion of Work, or an Application for Extension of Time to file said Proof.<sup>1</sup> The State Engineer finds that Permit 56880 was cancelled without notice of the cancellation being sent to all parties with an interest in this matter.

CONCLUSIONS

I.

The State Engineer has jurisdiction over the parties and the subject matter of this action and determination.<sup>2</sup>

II.

The cancellation procedure established by the State Engineer's Office requires that all parties with a sufficient interest in a matter be notified with regard to matters concerning the permit.

III.

The State Engineer concludes that the requirement of notice to all parties with an interest in this matter was not properly met when Garland Construction Company was omitted from the final notice mailing. The State Engineer further concludes that Permit 56880 was cancelled in error as a result of this oversight.

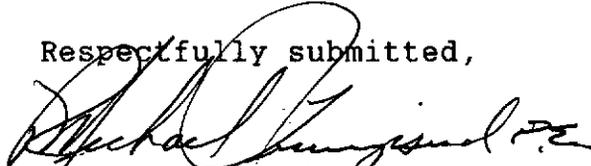
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<sup>2</sup> NRS 533 and 534.

RULING

The cancellation of Permit 56880 is hereby voided with no loss in priority. A new final notice regarding compliance with the permit terms will be re-sent to all parties with an interest in this matter.

Respectfully submitted,



R. MICHAEL TURNIPSEED, P.E.  
State Engineer

RMT/SJT/MB/pm

Dated this 11th day of  
October, 1995.