

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

IN THE MATTER OF CANCELLED PERMIT )  
54665 FILED TO APPROPRIATE THE )  
UNDERGROUND WATERS OF THE LAS )  
VEGAS ARTESIAN GROUNDWATER BASIN )  
(212), CLARK COUNTY, NEVADA. )

RULING

# 4586

GENERAL

I.

Application 54665 was filed on April 16, 1990, by Stephen V. and Jeri A. Savran to appropriate the underground waters of the Las Vegas Artesian Groundwater Basin for quasi-municipal purposes. Permit 54665 was approved on May 9, 1991, for 0.04 cubic foot per second, not to exceed 1.46 million gallons annually, for use within a portion of the SW $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 14, T.19S., R.60E., M.D.B.&M. The point of diversion is described as being located in the SW $\frac{1}{4}$  NE $\frac{1}{4}$  of said Section 14.<sup>1</sup>

FINDINGS OF FACT

I.

On February 27, 1991, the State Engineer's office received a Grant, Bargain and Sale Deed assigning all water rights appurtenant to two and one half acres containing four parcels from Stephen V. and Jeri A. Savran to John and Mary S. Hollingsworth.<sup>1</sup> The assignment of Permit 54665 transferring ownership to John and Mary S. Hollingsworth was completed on May 2, 1991.

Under the terms of Permit 54665 Proof of Beneficial Use of the water was due to be filed in the office of the State Engineer on or before May 3, 1996. By certified mail dated May 8, 1996, the Hollingsworths were sent a final notice stating that the Proof of Beneficial Use must be submitted within 30 days. The State Engineer finds that on July 19, 1996, Permit 54665 was cancelled by the State Engineer for failure to comply with the permit terms.

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<sup>1</sup> File No. 54665, official records in the office of the State Engineer.

II.

After Permit 54665 was cancelled the State Engineer determined that Permit 54665 had been assigned to John and Mary S. Hollingsworth in error. When parcel maps had been submitted to Clark County, Nevada, the water right permit number for the Hollingsworth parcel was incorrectly noted on the map, i.e., instead of indicating Permit 54664 for the Hollingsworth parcel the map indicated Permit 54665. Subsequently, when the Hollingsworths submitted a request to have the water right permit assigned to their name they requested the assignment of Permit 54665 instead of the correct Permit 54664. The State Engineer finds the Hollingsworths are not the owners of Permit 54665 and were assigned said water right in error.

III.

When the final notice of compliance with the permit terms was mailed it was sent to the Hollingsworths. The State Engineer finds that as the permit was assigned in error to the Hollingsworths the correct owners of record never received the final notice; therefore, Permit 54665 was cancelled without proper notice.

IV.

Due to the failure to properly notice the correct permit holder, the State Engineer finds that the cancellation of Permit 54665 should be voided.

CONCLUSIONS

I.

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

II.

The State Engineer concludes that Permit 54665 was cancelled without proper notice to the correct owner of record and the

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

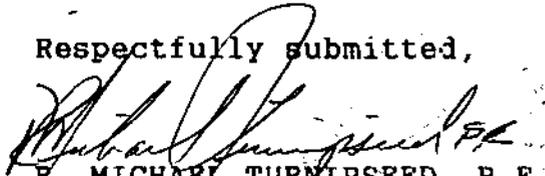
Ruling  
Page 3

cancellation should be voided. The priority date remains the same as before the cancellation which is February 22, 1994.

RULING

The cancellation of Permit 54665 is hereby voided.

Respectfully submitted,

  
R. MICHAEL TURNIPSEED, P.E.  
State Engineer

RMT/SB/ab

Dated this 8th day of  
December, 1997.