

IN THE MATTER OF THE REINSTATEMENT)
OF CANCELLED PERMIT 25499 FOR THE)
APPROPRIATION OF WATER FROM AN)
UNDERGROUND SOURCE IN TRUCKEE)
MEADOWS, WASHOE COUNTY, NEVADA)

R U L I N G

FINDINGS OF FACT

87

I

Permit 25499 was issued on August 17, 1970, in the name of Trans-Sierra Corporation for the appropriation of 3.0 c.f.s. of water, not to exceed an annual duty of 420.5 million gallons, from an underground source located within the SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 17, T.18N., R.20E., M.D.B.&M., for quasi-municipal and domestic service to approximately 220 trailers and 490 single family dwellings.

The permit was subsequently assigned on August 16, 1971, to Trans-Sierra Water Service, Inc.

II

The terms of the permit originally required proof of application of water to beneficial use be filed in the office of the State Engineer on or before March 17, 1975. Through the timely annual submission of applications for extension of time for the filing of the required proof of beneficial use and by the granting of such extensions by the State Engineer as provided for under NRS 533.410, the deadline was ultimately extended to March 17, 1980.

III

As is required under NRS 533.410, upon expiration of the last established deadline of March 17, 1980, for filing proof of beneficial use, notice of the requirement for such filing was sent by certified mail to Trans-Sierra. Said notice, which was dated March 17, 1980, and bore the address of 16000 Geiger Grade Road, Reno, Nevada 89511, allowed a statutory thirty (30) day grace period within which to comply. A receipt for the notice, bearing the signature of C. Fleischmann, was returned to the office of the State Engineer on March 20, 1980. However, neither the required proof or extension application were received within the grace period, and Permit 25499 was subsequently cancelled on April 24, 1980, for failure to comply with the terms of the permit.

IV

It is the policy of the State Engineer that in order to insure a continued effort by the permit holder toward making beneficial use of water allowed under any permit, an extension of time for the filing of proof of such beneficial use will not exceed a period of one year. In the case of Permit 25499, in the event an extension application had been timely received and had been granted, said extension would not have been allowed for a period of more than one year, to March 17, 1981.

V

A review of the file under Permit 25499 reveals that the address of the applicant on the original application form was given as 16000 Geiger Grade Road, Reno, Nevada 89502, and that almost all correspondence within the file was directed to or bore that same address. However, all correspondence and notices between the period of March 31, 1976 and March 19, 1979, bears the address of P. O. Box 37, Reno, Nevada 89426. Furthermore, the State Engineer's office has been informed by Mr. Roger Roussille, agent for Trans-Sierra, that the current proper postal address for the permittee is P. O. Box 18307, Reno, Nevada 89511.

VI

The well allowed under Permit 25499 is currently one of the primary sources of water for the Trans-Sierra Service area. The extension application filed on February 4, 1977, notes that at that time approximately 664 dwellings were being served within the Trans-Sierra system. Furthermore, all extension applications have cited the need for additional time to allow for increased beneficial use as the service demand grows through new construction.

CONCLUSIONS

I

The State Engineer has jurisdiction in this matter under the provisions of Chapter 533 of NRS.

II

Upon the expiration of the deadline for the filing of proof of beneficial use under any permit, the State Engineer is directed by NRS 533.410 to give notice by certified or registered mail to the permit holder, and to allow a thirty (30) day grace period within which to file said proof or an application for extension of time. It is the policy of the State Engineer to send certified notice to all addresses of record for both agents and permit holders which the file for each permit indicates to be both current and valid. In the instant case, final certified notice should also have been addressed to P. O. Box 37, Steamboat, Nevada 89436, since the file under Permit 25499 clearly contains that address for the permit holder.

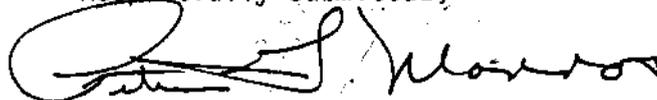
III

In the event of the reinstatement of cancelled Permit 25499, and in the event of the subsequent timely filing of an extension application by the permit holder for proving beneficial use, such extension would not be granted beyond March 17, 1981. Therefore, to maintain the valid status of the permit, since March 17, 1981, has passed as of the date of this ruling, it will be necessary, in this case, that two extension applications be submitted for consideration by the State Engineer, with the second application seeking additional time for filing beyond March 17, 1981.

RULING

The cancellation of Permit 25499 is hereby rescinded on the basis that proper final notice required under NRS 533.410 was not given to the permit holder. A period of thirty (30) days from the date of this ruling is hereby allowed for the filing of proof of beneficial use and filing fee, as required under the terms of the permit or for the filing of applications for extension of time and filing fee for consideration by the State Engineer. In the event that an application for extensions of time are filed, it will be required that two separate applications be submitted, one being for the period of March 17, 1980 through March 17, 1981, and the second being for that period beyond March 17, 1981, not to exceed one (1) year, for which additional time is sought for proving beneficial use. In the event that such filing of either proof of beneficial use or applications for extension of time are not received by the office of the State Engineer within thirty (30) days of the date of this ruling, Permit 25499 will be subject to cancellation for failure to comply with the terms of the permit.

Respectfully submitted,



Peter G. Morros
State Engineer

PGM/bc

Dated this 8th day of
JULY, 1981.