

IN THE MATTER OF REINSTATEMENT OF)
CANCELLED PERMIT 29908 IN COLORADO)
RIVER VALLEY, CLARK COUNTY, NEVADA)

R U L I N G

FINDINGS OF FACT

I

Application 29908 was filed January 13, 1976, in the name of County of Clark to appropriate 0.5 c.f.s of water from an underground source to be located in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 1, T32S, R66E, MDB&M.

The above application was approved and a permit was issued August 20, 1976. Subsequently, the Proofs of Commencement and Completion of Work were timely filed.

II

By certified mail notice dated September 21, 1981, the applicant was advised that the Proof of Beneficial Use had not been filed and that the permit was in poor standing. Said notice stated that the required documents had to be submitted on or before 30 days from the date of that notice, or the permit would be cancelled.

III

The map to accompany the Proof of Beneficial Use was received and timely stamped in the State Engineer's office on October 7, 1981. On November 18, 1981, there existed no evidence in the State Engineer's office that the Proof of Beneficial Use had been submitted.

IV

Permit 29908 was cancelled on November 18, 1981, for failure to submit the Proof of Beneficial Use within the statutory time limit established by the notice dated September 21, 1981.

V

It was subsequently found that the required proof and filing fee had, in fact, been submitted with the map but somehow not removed from the mailing tube; the mailing tube later found its way into the hands of Omni-Means, Ltd., of Reno, Nevada; Omni-Means thereupon returned the lost documents to the applicant with a transmittal letter dated April 27, 1982, a copy of said transmittal letter being sent to the State Engineer's office.

On March 19, 1982, a signed copy of the Proof of Beneficial Use with the filing fee was received in the State Engineer's office.

CONCLUSIONS

I

The State Engineer has jurisdiction in this matter in accordance with the provisions of NRS 533.380, 533.395, and 533.410.

II

A clerical error in the State Engineer's office was the cause that resulted in cancellation of Permit 29908.

RULING

The cancellation of Permit 29908 is herewith rescinded and processing of the submitted Proof of Beneficial Use will proceed.

Respectfully submitted,



Peter G. Morros
State Engineer

PGM/AJV/ja

Dated this 8th day
of FEBRUARY, 1983.