

IN THE MATTER OF THE REINSTATEMENT OF )  
CANCELED APPLICATION 46168 IN THE MUDDY )  
RIVER SPRINGS AREA, CLARK COUNTY, NEVADA)

R U L I N G

FINDINGS OF FACT

I

Application 46168 was filed September 24, 1982, in the name of Moapa Valley Water Company to appropriate 0.37 cfs of water from an underground source to be located in the NW $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 16, T14S, R65E, MDB&M.

II:

By certified mail notice dated October 29, 1982, the above application was returned for correction. Said notice advised applicant it would be necessary to submit an amended map and application on or before December 28, 1982, or subject application would be canceled.

III

On January 18, 1983, the amended map and application had not been received. Subject application was canceled and the \$25 publication fee was returned.

IV

By letter dated January 27, 1983, the agent for the applicant advised the State Engineer that the return for correction notice which was mailed certified mail on October 29, 1982, was in fact not received by the agent for the applicant until January 18, 1983. Documentary evidence from the United State Post Office supports this fact. In his letter dated January 27, 1983, said agent notified the State Engineer of the problem and requested two months' additional time for filing the map and amended application.

V

By letter dated March 10, 1983, the agent for the applicant requested an answer to his letter dated January 27, 1983.

CONCLUSIONS

I

The State Engineer has jurisdiction in this matter in accordance with provisions of NRS 533.355.

II

Failure of the United State Post Office to deliver the certified mail, the return for correction notice, in a timely and acceptable manner is the principal cause for the cancellation of the application.

RULING

The cancellation of Application 46168 is hereby rescinded. A period of 60 days from the date of this Ruling is granted to the applicant for filing a corrected map, amended application, and \$25 for the publication fee.

Respectfully submitted,



Peter G. Morros  
State Engineer

PGM/AJV/ja

Dated this 12th day

of APRIL, 1983.