

**IN THE OFFICE OF THE STATE ENGINEER**

IN THE MATTER OF THE REINSTATEMENT)  
OF CANCELLED PERMIT 32994 IN RAILROAD)  
VALLEY, NYE COUNTY, NEVADA )

RULING 3587

**FINDINGS OF FACT**

I.

Application 32994 was filed on August 1, 1977, in the name of the Nevada Settlers Assn. to appropriate 8.0 c.f.s. of water from an underground source for irrigation and domestic purposes. The point of diversion is located within the NE1/4 NE1/4 Section 12, T.10N., R.56E., M.D.B.&M.

The above application was approved for 5.4 c.f.s. for the irrigation of 320 acres with a permit being issued June 26, 1986. The permit included certain conditions including the requirement to file a Proof of Completion of Work and Proof of Beneficial Use by specified dates.

II.

By a certified mail notice dated August 5, 1988, the permittee was advised that the Proof of Completion of Work had not been filed within the time limits established in the permit and the permit was in poor standing. Said notice stated that the required documents had to be submitted on or before thirty (30) days from the date of the notice or the permit would be cancelled.

III.

On September 23, 1988, Permit 32994 was cancelled for failure to submit the Proof of Completion of Work.

IV.

Upon notification of the cancellation, the permittee submitted documentation establishing his attempt to notify this office at an earlier date of his change of address. He also submitted along with the documentation a request for extension of time for filing the Proof of Completion of Work. A review of the submitted information verifies the fact that the notice of August 5, 1988, was sent to an incorrect address.

**CONCLUSION**

I.

The permittee was not properly notified of the poor standing of the permit due to a clerical error in the State Engineer's office which resulted in the cancellation of Permit 32994.

RULING

The cancellation of Permit 32994 is hereby rescinded with no loss in priority and the processing of the submitted application for extension of time will proceed.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Peter G. Morros", written over a large, loopy flourish.

Peter G. Morros  
State Engineer

PGM/CT/bk

Dated this 21st day of  
October, 1988.