

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

IN THE MATTER OF CANCELLED PERMIT 56564)
FILED TO APPROPRIATE THE UNDERGROUND)
WATERS OF LAS VEGAS ARTESIAN BASIN IN)
CLARK COUNTY, NEVADA.)

RULING

4112

GENERAL

I.

Application 56564 was filed on July 24, 1991, by Eric L. Nelson, to appropriate the underground waters for quasi-municipal use. Permit 56564 was approved on November 19, 1991, for 0.006 cubic feet per second, not to exceed 1.42 million gallons annually. The well is located in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 26, T.19S. R.60E. M.D.B. &M., in Clark County, Nevada¹.

II.

The proof of completion of work was due on December 19, 1993. Final notice was sent to the permittee on February 2, 1994, stating that proof of completion be submitted within 30 days. On March 1, 1994, John McDonough, agent for the permittee, timely filed an Application for Extension of Time, along with the required \$100.00 filing fee, in the Southern Nevada Branch Office of the Division of Water Resources. The Application for Extension of Time and filing fee were not properly recorded in the office of the State Engineer and were, in fact, misplaced.

III.

On March 15, 1994, Permit 56564 was cancelled by the State Engineer. After Permit 56564 was cancelled, it was determined that the Application for Extension of Time and appropriate filing fee had been timely submitted to the State Engineer's Office.

FINDINGS OF FACT

I.

The State Engineer finds that the application for extension of time was properly filed and Permit 56564 was cancelled in error through no fault of the permittee.

¹ Public record in the Office of the State Engineer under Permit No. 56564.

II.

Due to the error, the State Engineer finds that the cancellation of Permit 56564 should be voided and the provisions in NRS 533.395(2) for rescinding the cancellation of a permit, do not apply.

CONCLUSIONS

I.

The State Engineer has jurisdiction over the subject matter.²

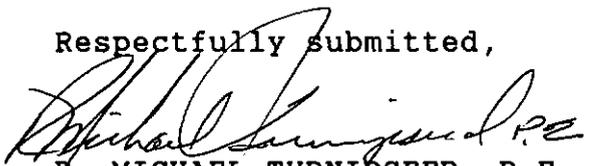
II.

The State Engineer concludes that Permit 56564 was cancelled in error and that cancellation should be voided. The priority date should be the original filing date of July 24, 1991.

RULING

The cancellation of Permit 56564 is hereby voided, on the grounds that the cancellation was made in error. The priority date of Permit 56564 shall remain July 24, 1991.

Respectfully submitted,



R. MICHAEL TURNIPSEED, P.E.
State Engineer

RMT/SB/pm

Dated this 2nd day of

May, 1994.

² NRS 533 and 534.