

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

IN THE MATTER OF CANCELLED PERMIT 53867 )  
FILED TO APPROPRIATE THE PUBLIC WATERS )  
WITHIN THE LAS VEGAS ARTESIAN BASIN, )  
CLARK COUNTY, NEVADA. )

RULING  
**# 4120**

GENERAL

I.

Application 53867 was filed on September 18, 1989, by Angela Alger to appropriate 0.05 cfs of water from an underground source for quasi-municipal purposes within the NE $\frac{1}{4}$  SW $\frac{1}{4}$ , of Section 36, T.21S., R.60E., M.D.B.&M. The point of diversion is described as being within the NE $\frac{1}{4}$  SW $\frac{1}{4}$  of said Section 36. Application 53867 was approved on February 23, 1990.<sup>1</sup>

II.

The proof of completion of work was due on March 23, 1992. A well log for this well was received on May 25, 1990. However, it was not accompanied by the required proof of completion of work form. Therefore, on March 25, 1992, a final notice was sent to Angela Alger at the address shown on the application. In addition, the final notice was sent to Angela Alger at 6734 Crystal Street, Las Vegas, Nevada 89118.<sup>1</sup> This notice was returned by the Post Office, and the Post Office indicated on the envelope two forwarding addresses for Angela Alger, one at 3749 Westwind, Las Vegas, Nevada 89103 and another at 6245 Lindell Road, Las Vegas, Nevada 89118.<sup>1</sup> On June 9, 1992, Permit 53867 was cancelled, by letter signed by Tracy Taylor, Hydraulic Engineer IV, sent to Angela Alger at the Westwind address. This letter was returned by the Post Office stamped "Forwarding Order Expired." No further communication was received by Angela Alger.<sup>1</sup>

---

<sup>1</sup> Public records of the State Engineer's office.

III.

In February of 1994, Angela Alger contacted the State Engineer's office, and inquired about the status of Permit 53867. Upon being told that Permit 53867 was cancelled, Angela Alger indicated that she had not been notified that the permit was cancelled, nor had she been notified that the proof of completion of work and well log were due on or before March 23, 1992. At that time Angela Alger indicated that her correct address was 6245 Lindell Road, Las Vegas Nevada, 89118. Her correct address was given to the State Engineer's office by the Post Office, however, no notice was sent to that address.

FINDINGS OF FACT

I.

In returning the final notice to the State Engineer's office, the Post Office seemed to indicate that the address of 3749 Westwind, was the correct address. However, an additional address shown on the returned final notice of 6245 Lindell Road, Las Vegas, Nevada 89118, was the correct address. The State Engineer finds that the permittee was not properly notified of the final notice or of the cancellation of Permit 53867. The State Engineer further finds that Permit 53867 was cancelled in error through no fault of the permittee.

CONCLUSIONS

I.

The State Engineer has jurisdiction over this matter.<sup>2</sup>

II.

Permit 53867 was cancelled in error and that cancellation should be voided.

---

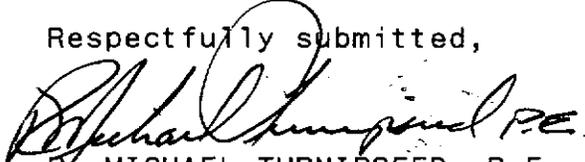
<sup>2</sup> NRS 533.325 and NRS 533.435.

Ruling  
Page 3

RULING

The cancellation of Permit 53867 is hereby voided and the permit is returned to active status on the grounds that the cancellation was made in error. The final notice will be resent to the permittee at the correct address.

Respectfully submitted,

  
R. MICHAEL TURNIPSEED, P.E.  
State Engineer

RMT/JCP/pm

Dated this 2nd day of  
June, 1994.