

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

IN THE MATTER OF CANCELLED PERMIT)
52886 FILED TO APPROPRIATE THE)
PUBLIC WATERS FROM AN UNDERGROUND)
SOURCE WITHIN LAS VEGAS ARTESIAN)
GROUNDWATER BASIN (212), CLARK)
COUNTY, NEVADA)

RULING

4362

GENERAL

I.

Application 52886 was filed on January 25, 1989, by Thurland J. Wagner to appropriate 0.0039 cubic feet per second from the Las Vegas Artesian Groundwater Basin for quasi-municipal purposes for three single-family dwellings within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 10, T.19 N., R.60 E., M.D.B.&M. The point of diversion is described as being located within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 10.¹

II.

Permit 52886 was granted on September 8, 1989, for 0.0039 cubic feet per second, not to exceed 0.92 million gallons annually.¹ Under the terms of the permit Proof of Beneficial Use of the waters was due to be filed in the Office of the State Engineer on or before October 8, 1994.

FINDINGS OF FACT

I.

Permit 52886 was cancelled by the State Engineer on November 2, 1995, after the permittee failed to timely file the Proof of Beneficial Use of the waters as required under the terms of the permit. The State Engineer finds that a petition for review of the cancellation was timely filed in the Office of the State Engineer by Thurland Wagner and a separate petition for review was filed by a Jackie Reynolds.

II.

As provided in NRS 533.395, on March 13, 1996, the State Engineer sent notice by certified mail of a hearing for review of

¹File No. 52886, official records of the Office of the State Engineer.

the cancellation set for May 29, 1996, at the Southern Nevada Branch Office of the State Engineer. The return receipts for the certified mailing were received in the Office of the State Engineer. The State Engineer finds that neither Thurland Wagner nor Jackie Reynolds appeared at the scheduled hearing.

CONCLUSIONS OF LAW

I.

The State Engineer has jurisdiction over the parties and of the subject matter of this action and determination.²

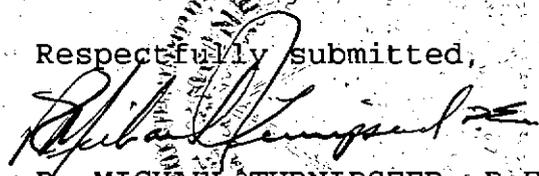
II.

NRS 533.410 requires that the State Engineer shall cancel a permit if the permittee fails to timely file proof of beneficial use of the waters. The State Engineer concludes that neither petitioner appeared at the time and place scheduled for the review of the cancellation; therefore, no evidence or testimony was presented which would support the State Engineer modifying or rescinding the cancellation.

RULING

The cancellation of Permit 52886 is affirmed.

Respectfully submitted,



R. MICHAEL TURNIPSEED, P.E.
State Engineer

RMT/SJT/bk

Dated this 13th day of

June, 1996.

² NRS Chapters 533 and 534.