

IN THE MATTER OF PERMIT 24538)
FILED BY ADA H. WORK TO APPROPRIATE)
WATER FROM AN UNDERGROUND SOURCE)
IN LANDER COUNTY, NEVADA.)

R U L I N G

GENERAL: *3/11*

Application 24538 was filed on June 20, 1968 by Ada H. Work to change the point of diversion of 2.5 c.f.s. of water heretofore appropriated under Permit 22538 for irrigation and domestic purposes. The point of diversion under Permit 24538 is described as being within the SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 1, T. 17N., R.41E., M.D.B.& M. and the place of use 160 acres in the NW $\frac{1}{4}$ Section 1, T.17N., R.41 E., M.D.B.& M. The period of use is from January 1st to December 31st of each year. The permit under Application 24538 was issued on October 25, 1968 in the amount of 2.5 c.f.s. The Proof of Commencement of Work was filed on February 25, 1969 and Proof of Completion of Work was filed on March 31, 1970.

A certified notice requesting the Proof of Beneficial Use and Cultural Map was forwarded to the agent, Robert W. Millard, under Permit 24538 on March 9, 1973.

A second certified notice was forwarded to the owner of record, Mrs. Ada H. Work, on April 10, 1973, requesting that the Proof of Beneficial Use and Cultural Map be filed within 30 days of the date of the certified notice. The certified notice also contained the following statement:

"The Proof of Beneficial Use and Cultural Map was due on or before February 24, 1973; however, no reply has been received from your agent, Robert W. Millard, regarding this matter. Therefore, the Proof of Beneficial Use and Cultural Map will be due on or before May 10, 1973".

Permit 24538 was cancelled on May 10, 1973 for failure of the applicant to comply with the provisions of the permit.

On June 11, 1973, the Proof of Beneficial Use and supporting Cultural Map were submitted to the State Engineer's office by the agent and State Water Right Surveyor, Robert W. Millard. The Proof of Beneficial Use and Cultural Map were accompanied by a letter under the signature of Robert W. Millard stating the following:

"Particular reference is made to notice sent by Certified Mail (No. 966252) in which it is stated that the proof and map are due on or before May 10, 1973. As is standard procedure by your office, we have used the 30 day grace period allowed for submittal and ask that the attached proof and map be accepted and a certificate be issued under this permit".

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It appears that there has been confusion as to the due date of the required proof and cultural map. Since the Proof of Beneficial Use and Cultural Map have been submitted, the provisions of the permit have been satisfied, subject to field investigation, within 30 days of the May 10, 1973 date, referred to on the notice of April 10, 1973.

RULING

The cancellation of Permit 24538 is hereby rescinded and processing of the Proof of Beneficial Use and Cultural Map will proceed.

Respectfully submitted,


Roland D. Westergard
State Engineer

Dated this 3rd
day of July, 1973.

RDW/PGM/bs