

IN THE MATTER OF THE REINSTATEMENT OF)
PERMIT 29119 IN WASHOE VALLEY, WASHOE)
COUNTY, NEVADA)

R U L I N G

FINDINGS OF FACT

I

Permit 29119 was issued on June 6, 1975, in the name of Mr. and Mrs. E. W. Scripps, II, in the amount of 0.2 c.f.s. of water from an underground source located within the NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 16, T.16N., R.20E., M.D.B. & M., for irrigation and domestic use on 23 acres located within the W $\frac{1}{2}$ NE $\frac{1}{4}$ said Section 16. The required Proof of Commencement of Work and Proof of Completion of Work were timely filed on January 22, 1976, and March 1, 1978, respectively. The original deadline for the filing of proof of beneficial use under this permit was January 6, 1978. Three separate applications for extension of time for the filing of Proof of Beneficial Use were subsequently timely filed and approved, establishing the most recent deadline at January 6, 1980.

II

By certified notice dated January 7, 1980; in accordance with the provisions of NRS 533.390, permit holder Scripps and their agent, Brian B. Walters, were notified that the Proof of Beneficial Use and cultural map were due to be filed and that a 30-day grace period was allowed from the date of that letter within which to file the proof or application for extension of time. Properly endorsed receipts for that certified notice to the permit holder and Walters are on file in the office of the State Engineer.

III

Permit 29119 was canceled on February 7, 1980, for failure to comply with the requirements of the permit for the filing of the Proof of Beneficial Use.

IV

Subsequent to the cancellation of Permit 29119, it was discovered that an Application for Extension of Time had been received under this permit by the State Engineer's office on January 16, 1980, which was within the 30-day grace period allowed by the final notice dated January 7, 1980. Said extension application seeks an additional one-year period (one growing season) within which to comply with the provisions for filing Proof of Beneficial Use.

CONCLUSIONS

I

The State Engineer has jurisdiction in this matter under the provisions of NRS 533.325 and NRS 533.390.

II

An Application for Extension of Time for the filing of Proof of Beneficial Use under Permit 29119 was timely received by the State Engineer's office within the 30-day grace period allowed by the State Engineer's certified notice dated January 7, 1980. Cancellation of Permit 29119 on the basis of failure to comply with the requirements of that notice was inappropriate.

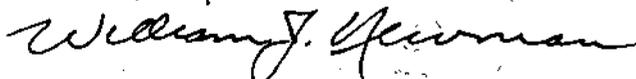
III

The granting of an extension of time under this permit to October 1, 1980, will allow a full additional growing season within which to make beneficial use of the water allowed under this permit.

RULING

The cancellation of Permit 29119 is herewith rescinded and the permit is reinstated to active status. An extension of time will be granted to October 1, 1980, for the filing of proof of beneficial use and cultural map with the provision that no further extension of time will be allowed for such filing except for good cause shown at the discretion of the State Engineer as provided under NRS 533.390.

Respectfully submitted,



William J. Newman
State Engineer

WJN/BAR/gk

Dated this 26th day
of JUNE, 1980.