

IN THE OFFICE OF THE STATE ENGINEER

IN THE MATTER OF THE REINSTATEMENT)
OF CANCELLED PERMITS 40084, 40089 AND)
40091 ISSUED TO APPROPRIATE THE PUBLIC)
WATERS OF AN UNDERGROUND SOURCE IN)
BIG SMOKY VALLEY - TONOPAH FLAT, NYE)
COUNTY, NEVADA.)

RULING

GENERAL

Application 40084 was filed on December 20, 1979, by Zimmerman Ranching Corp. to appropriate 0.05 c.f.s. of water from an underground source for stockwatering purposes within the SE1/4 SW1/4 Section 17, T.7N., R.42E., M.D.B.&M. The point of diversion is described as being within the SE1/4 SW1/4 Section 17, T.7N., R.42E., M.D.B.&M.¹

Application 40089 was filed on December 20, 1979, by Zimmerman Ranching Corp. to appropriate 0.05 c.f.s. of water from an underground source for stockwatering purposes within the SE1/4 NW1/4 Section 5, T.5N., R.41E., M.D.B.&M. The point of diversion is described as being within the SE1/4 NW1/4 Section 5, T.5N., R.41E., M.D.B.&M.¹

Application 40091 was filed on December 20, 1979, by Zimmerman Ranching Corp. to appropriate 0.05 c.f.s. of water from an underground source for stockwatering purposes within the SW1/4 SW1/4 Section 17, T.7N., R.42E., M.D.B.&M. The point of diversion is described as being within the SW1/4 SW1/4 Section 17, T.7N., R.42E., M.D.B.&M.¹

Applications 40084, 40089 and 40091 were approved and permits were issued on January 14, 1985.

FINDINGS OF FACT

I.

On March 20, 1986, the agent for the permittee submitted and extension of time request for filing the Proofs of Completion of Work under Permits 40084, 40089 and 40091.

II.

On April 1, 1986, the State Engineer's office cancelled Permits 40084, 40089 and 40091 and returned the extension of time request on each permit. The basis of the cancellation was that the extension of time requests were not timely received in conformance with the final notice dated February 14, 1986.

¹ Public record in the office of the State Engineer.

III.

Upon further review of the February 14, 1986, notice, the State Engineer's office discovered that the agent of record was not notified of the need to file the Proof of Completion of Work or an extension of time under Permits 40084, 40089 and 40091.

CONCLUSIONS

I.

The State Engineer has jurisdiction of the parties and the subject matter of this action in accordance with NRS 533.380, 533.390 and 533.395.

II.

The agent was not properly noticed that the Proof of Completion of Work was due under Permits 40084, 40089 and 40091.

RULING

The cancellation of Permits 40084, 40089 and 40091 is hereby rescinded and the extensions of time previously submitted will be accepted for processing.

Respectfully submitted,



PETER G. MORROS
State Engineer

PGM/CT/bl

Dated this 20th day of
May, 1986.