

IN THE OFFICE OF THE STATE ENGINEER

IN THE MATTER OF CANCELLED PERMIT)
36649 FILED TO APPROPRIATE THE PUBLIC)
WATERS OF AN UNNAMED SPRING IN WHITE)
RIVER VALLEY, WHITE PINE COUNTY,)
NEVADA.)

RULING

GENERAL

Permit 36649 was filed on February 7, 1979, and issued on March 20, 1980, to Nelson A. and Nancy A. Carter to appropriate 0.0033 c.f.s. of water from an unnamed spring for stockwatering purposes within Lots 2 and 3 Section 5, T.10N., R.62E., M.D.B.&M. and the S $\frac{1}{2}$ SW $\frac{1}{4}$ Section 32, T.11N., R.62E., M.D.B.&M. The point of diversion is described as being within Lot 3, Section 5, T.10N., R.62E., M.D.B.&M. Permit 36649 was cancelled on November 30, 1981, for failure to comply with the provisions of the permit by not filing the Proof of Completion of Work prior to its deadline.¹

A final notice dated October 20, 1981, was sent to the applicant and their agent, Richard Forman, by respective certified numbers 4230154 and 4230155. The return receipts were both received by parties accepting for the applicant and agent on October 22, 1981.

FINDINGS OF FACT

On or near March 10, 1989, Dean Whipple, the new property owner, called concerning the status of several water rights associated with the property. At that time the Proof of Completion of Work was found loosely filed in the permit cover. It was dated as being received on November 12, 1981. Research of receipts¹ issued on or about November 12, 1981, indicated that no fees had been received for the Proof of Completion.

CONCLUSIONS

I.

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

¹ Public record in the office of the State Engineer under Permit No. 36649.

² NRS Chapters 533 and 534.

II.

The Proof of Completion of Work was filed prior to the end of the thirty (30) day period of time granted in the final notice.

III.

No request was made to submit the \$10.00 filing fee for the Proof of Completion of Work.

RULING

The cancellation of Permit 36649 is herewith rescinded under the provision that the \$10.00 filing fee will be submitted within thirty (30) days of the date of this ruling.

Respectfully submitted,



PETER G. MORROS
State Engineer

PGM/SW/bk

Dated this 19th day of

July, 1989.