

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

IN THE MATTER OF CANCELLED PERMIT 55263)  
FILED TO APPROPRIATE THE UNDERGROUND )  
WATERS OF CARSON DESERT IN CHURCHILL )  
COUNTY, NEVADA. )

RULING  
# 3926

GENERAL

I.

Permit 55263 was approved on July 2, 1991, for 0.05 c.f.s., for commercial and domestic use. The well is located in the SW1/4 NW1/4, Section 15, T.19N. R.27E., M.D.B.&M., in Churchill County, Nevada.

II.

The proof of completion of work was due on August 2, 1992. On or about August 24, 1992, Mr. Kenneth J. Gavan, an employee of N.A. Degerstrom, Inc. the permittee, submitted to the office of the State Engineer the proof of completion of work form and a check for the \$10.00 filing fee. The proof of completion of work form and the filing fee were not logged in and were misplaced. The proof of completion of work and the filing fee were not discovered until approximately three months later. Meanwhile, on November 19, 1992, Permit 55263 was cancelled. The cancellation notice stated that the permittee had 60 days to request a hearing. Mr. Gavan an employee of the permittee requested the hearing, and a hearing was held on November 23, 1992. At the hearing the permit was reinstated, the new priority date was set at November 23, 1992, the date of the written petition for the hearing.

FINDINGS OF FACT

I.

After the hearing, the original proof of completion of work and filing fee were found in the office of the State Engineer. The State Engineer finds that Permit 55263 was cancelled in error through no fault of the permittee.

II.

The State Engineer finds that the cancellation of Permit 55263 should be voided and not rescinded in accordance with NRS 533.395(2).

CONCLUSIONS

I.

The State Engineer has jurisdiction in this matter under the provisions NRS 533.325 and NRS 533.435.

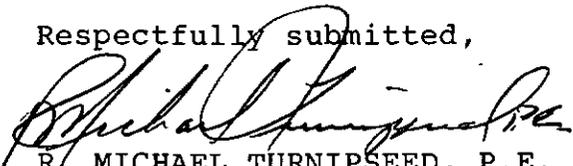
II.

The State Engineer concludes that Permit 55263 was cancelled in error and that the cancellation should be voided. The priority date should revert back to the original filing date of September 12, 1990.

RULING

The cancellation of Permit 55263 is hereby voided, on the grounds that the cancellation was made in error. The priority date shall revert back to September 12, 1990.

Respectfully submitted,

  
R. MICHAEL TURNIPSEED, P.E.  
State Engineer

RMT/JCP/pm

Dated this 21st day of  
January, 1993.