

IN THE MATTER OF APPLICATION)
16864 FILED BY LEE E. ELLIS)
FOR PERMISSION TO APPROPRIATE)
WATER FROM AN UNDERGROUND)
SOURCE IN HUMBOLDT COUNTY.)

R U L I N G

GENERAL:

Application 16864 was filed by Lee E. Ellis on February 20, 1956 for permission to appropriate 4 c.f.s. of water from an underground source for irrigation and domestic purposes. The proposed point of diversion was described as within the NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 20, T. 44 N., R. 34 E., M.D.B.&M. The place of use was described as 320 acres of land within the NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 20, NW $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$ and NE $\frac{1}{4}$ Section 21, T. 44 N., R. 34 E., M.D.B.&M.

A permit was issued under this application on September 18, 1957 for 3.5 c.f.s. of water. The Proof of Beneficial Use and cultural map were filed on July 12, 1965. A notice for certificate fees was forwarded to Lee E. Ellis on September 9, 1969. No reply was received to said notice. A letter was forwarded to Mr. Ellis by certified mail on October 10, 1969 requesting said certificate fees. This letter was returned to this office by the Post Office Department stamped unclaimed.

Correspondence in the file shows that the Farmers Home Administration held a mortgage against this property and, therefore, had an interest in the disposition of this permit. However, no notices were forwarded to the Farmers Home Administration regarding the certificate fees.

Ruling

The cancellation of Permit 16864 is herewith rescinded on the grounds that proper notice was not given to the Farmers Home Administration as a party in interest to this permit and a certificate will be issued upon receipt of the statutory certificate fees.

Respectfully submitted,


Roland D. Westergard
State Engineer

RDW:RRD:gs

Dated this 14th day
of February, 1972.