

IN THE MATTER OF REINSTATEMENT OF)  
CANCELLED PERMIT 28307 IN STEPTOE)  
VALLEY, WHITE PINE COUNTY, NEVADA)

R U L I N G

FINDINGS OF FACT

I

Application 28307 was filed on May 6, 1974, in the name of Billie R. and DoVores O. Gipson to appropriate 0.5 c.f.s. of water from an underground source to be located in the SE $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 11, T.16N., R.63E., M.D.B.& M.

II

The above application was approved and a permit was issued on November 8, 1974. Subsequently, the Proofs of Commencement and Completion of Work were timely filed.

III

By certified mail notice dated September 8, 1978, the applicant and agent were advised that the Proof of Beneficial Use had not been filed and that the permit was in poor standing.

IV

The map to accompany the Proof of Beneficial Use was received and timely stamped in the State Engineer's office on September 11, 1978. On October 12, 1978, there existed no evidence, in the State Engineer's office, that the Proof of Beneficial Use and statutory fee had been submitted.

V

Permit 28307 was cancelled on October 12, 1978, for failure to submit the Proof of Beneficial Use and filing fee within the statutory time limit established by the notice dated September 8, 1978.

VI

It was subsequently found that the required proof and filing fee had, in fact, been submitted but the agent had put the number 28037 on the Proof of Beneficial Use instead of the proper number of 28307. The Proof of Beneficial Use and receipt was filed in the file of 28037 and not 28307. This file was not found until March 8, 1983.

CONCLUSIONS

I

The State Engineer has jurisdiction in this matter in accordance with the provisions of NRS 533.380, 533.395 and 533.410.

II

A clerical error in the State Engineer's office was the cause that resulted in cancellation of Permit 28307.

RULING

The cancellation of Permit 28307 is herewith rescinded and processing of the submitted Proof of Beneficial Use will proceed.

Respectfully submitted,



Peter G. Morros  
State Engineer

PGM/BD/bc

Dated this 11th day of

MARCH, 1983.