

IN THE OFFICE OF THE STATE ENGINEER

IN THE MATTER OF THE REINSTATEMENT)
OF CANCELLED PERMIT 45591 IN IVANPAH)
VALLEY NORTHERN PART, CLARK)
COUNTY, NEVADA.

RULING

FINDINGS OF FACT

I.

Application 45591 was filed on April 26, 1982, in the name of Baron Mining Corporation to appropriate 0.167 c.f.s. of the water of an underground source for mining and domestic purposes. The point of diversion is located within the NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 27, T.25S., R.59E., M.D.B.&M.

The above application was approved and a permit was issued on July 27, 1984.

II.

By a certified mail notice dated August 31, 1988, the owner of record, Baron Mining Company, was advised that the Proof of Beneficial Use had not been filed within the time limits established in the permit and Permit 45591 was in poor standing. Said notice also stated that the required documents had to be submitted on or before thirty (30) days from the date of the notice or the permit would be cancelled.

III.

On October 25, 1988, Permit 45591 was cancelled for failure to submit the Proof of Beneficial Use.

IV.

On November 12, 1988, Baron Mining Corporation filed a petition for reconsideration of the cancellation of Permit 45591. An administrative hearing to consider the petition was held on January 12, 1989, and Permit 45591 was reinstated with the condition that an application for extension of time be filed within thirty (30) days of the date of the hearing.

V.

The required application for extension of time was not filed within the time frame

allowed and Permit 45591 was again cancelled on March 7, 1989, for failure to submit the required documents.

VI.

Subsequent to the second cancellation, Mr. Chauncey contacted this office advising that he had filed a deed with the Las Vegas Branch Office on October 28, 1987, transferring Permit 45591 from Baron Mining Corporation to Charles Chauncey, Western Drill, John McMenemy and Homer Collins. A review of the records in the State Engineer's office disclose that the deed had been filed which did accomplish the transfer of the water right under Permit 45591.

CONCLUSION

I.

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

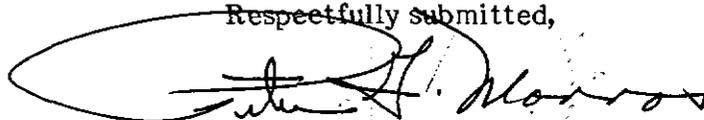
II.

The proper transfer document had been filed in the State Engineer's office prior to the final notice of August 31, 1988, and the new owners of record should have been given notice of the poor standing of Permit 45591.

RULING

The cancellation of Permit 45591 is hereby rescinded with no loss in priority. A final notice will be sent to the proper parties.

Respectfully submitted,



PETER G. MORROS
State Engineer

PGM/CT/bk

Date this 5th day of

June, 1989.