

IN THE OFFICE OF THE STATE ENGINEER

IN THE MATTER OF THE REINSTATEMENT)
OF CANCELLED PERMIT 47012 IN DAYTON)
VALLEY, LYON COUNTY, NEVADA.)

RULING

FINDINGS OF FACT

I.

Application 47012 was filed on July 21, 1983, by Gold Canyon Placers, Inc. to appropriate 3.0 c.f.s. of water from an underground source described as being in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 21, T.16N., R.21E., M.D.B.&M.

The application was approved and a permit issued on July 22, 1988.

II.

By a certified notice dated August 28, 1989, the permittee was advised that the Proof of Completion of Work and Well Log had not been filed within the time limits established in the permit and that the permit was in poor standing. Said notice 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 December 20, 1989, Permit 47012 was cancelled for failure to submit the Proof of Completion of Work and Well Log.

IV.

By letter dated February 9, 1990, Robert W. Craig Operations Manager of Gold Canyon Placers, Inc., stated to the Division of Water Resources that he had not received the notice requesting Proof of Completion of Work and Well Log, nor the letter cancelling Permit 47012, and that both the notice and letter were sent incorrectly. He stated that the correct address was:

Gold Canyon Placers, Inc.
P.O. Box 333
Dayton, NV 89403

V.

The certified notice dated August 28, 1989, was mailed to:

Gold Canyon Placers, Inc.
Attn: Greg Hess
Box 333
Dayton, NV 89403

The notice was returned to the Division of Water Resources August 31, 1989, stamped return to sender, addressee unknown, and with a written note, "Greg Hess unknown".

VI.

An address for Greg Hess was found and the certified notice dated August 28, 1989, was sent to:

Greg Hess
P.O. Box 314
Virginia City, NV 89440

The return receipt for the certified notice was received by the Division of Water Resources September 26, 1989.

VII.

The certified letter of cancellation, dated December 20, 1989, was sent to:

Gold Canyon Placers, Inc.
Attn: Greg Hess
P.O. Box 324
Virginia City, NV 89440

Certified copies were sent to Mick Berryman, a consultant with Western Mine Service, who had submitted work for Gold Canyon Placers, Inc. to the Division of Water Resources in June, 1988; and to Durfee Day, indicated as a vice-president of Gold Canyon Placers, Inc. by correspondence in November, 1983. Return receipts were received from Greg Hess and Mick Berryman December 26, 1989. The copy to Durfee Day was returned undeliverable by the post office.

CONCLUSION

I.

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

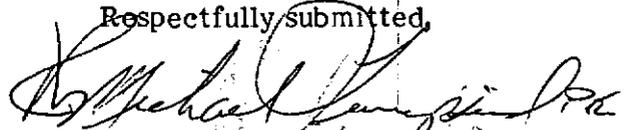
II.

The permittee did not receive the notice requesting Proof of Completion of Work and Well Log. The record indicates evidence that the permittee's address is of record in the permit file, and the confusion resulting from addressing the notice to the attention of the former agent, Greg Hess.

RULING

The cancellation of Permit 47012 is hereby rescinded with no loss in priority.

Respectfully submitted,



R. Michael Turnipseed, P.E.
State Engineer

RMT/CB/bk

Dated this 24th day of

April, 1990.