

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

IN THE MATTER OF PERMIT 752 FILED )  
TO APPROPRIATE THE PUBLIC WATERS )  
OF GOLD CANYON CREEK WITHIN THE )  
STEPTOE VALLEY HYDROGRAPHIC BASIN )  
(179), WHITE PINE COUNTY, NEVADA. )

RULING

**#5845**

GENERAL

I.

Application 752 was filed December 12, 1907, under the name of Gohan Buzzetti to appropriate 10.0 cubic feet per second of the unappropriated and flood waters of Gold Canyon Creek. The proposed manner and place of use is for the irrigation of 80.0 acres of land and for domestic use located within the N $\frac{1}{2}$  NE $\frac{1}{4}$  of Section 25, T.21N., R.63E., M.D.B.&M. In addition, the Applicant stated on his application, that the water may also be used for mining and power purposes within the same place of use.<sup>1</sup>

FINDINGS

I.

The State Engineer issues a water right permit with the expectation that the water will be placed to its intended beneficial use within a reasonable period of time. To ensure that this occurs, each permit that is issued carries with it a set of deadlines that the permittee must meet. While some of the deadlines that were in effect in 1909 are no longer required by statutes, the permittee was still expected to complete the works of diversion prior to June 1, 1909. Once this had been achieved, the permittee was expected to file the Proof of Beneficial Use and its supporting cultural map prior to January 1, 1910.<sup>1</sup>

The filing of the Proof of Completion and the Proof of Beneficial Use, signify that the permittee has met the respective

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<sup>1</sup> File No. 752, official records in the Office of the State Engineer.

deadlines. Once a proof is submitted, it is incorporated into the records of the Office of the State Engineer. In regards to the filing of the Proof of Completion under Permit 752, there is no record that this proof was ever received. Had it been, the original proof would be placed in the file and with the filing date of the proof recorded on the permit file cover. The record of correspondence fails to offer an explanation as to this missing proof.

A completed Proof of Beneficial Use form was filed with the State Engineer on October 10, 1910; however, it was not accompanied by a supporting cultural map.<sup>1</sup> In most instances a formal map produced by a licensed water right surveyor is required to compliment the information stated on the proof form. The primary purpose of the cultural map is to accurately depict those portions of the permitted place of use that have been irrigated. The State Engineer finds in the case of Permit 752, that without the required cultural map, a certificate of appropriation cannot be issued.

## II.

In an attempt to satisfy the cultural map requirement, Mr. Buzzetti submitted a hand drawn sketch map depicting the areas of irrigation and mining. By letter dated December 11, 1911, the permittee was advised that this map did not comply with the standards set forth under Section 28 of the Act approved on February 26, 1907. To remedy this error, the permittee was instructed to submit an amended map that met the statutory criteria.

By 1913, it appears from the correspondence contained within the permit file, that an amended map had not been received from the permittee. The record of correspondence ends at this point and is bereft of any further letters or notations.<sup>1</sup> The State Engineer finds that the permittee has failed to provide the amended

cultural map and that no correspondence regarding this matter has been received since 1913.

### III.

In those instances where a water right application or permit has been dormant for many years, the Office of the State Engineer attempts to contact the owner of record to resolve the issues. As a first step, the permittee is commonly requested, by certified letter to provide written evidence of a continued interest in the water filing. The service list used in this process is based upon the most recent address found in the State Engineer's records. Many of these letters are returned unclaimed by the United States Postal service, for a variety of reasons.

The permittee's most recent address is found on the 1913 letter and is simply stated as, "Steptoe, Nevada". It is generally accepted, that the Steptoe Post Office was in existence from October 14, 1893, until October 15, 1940.<sup>2</sup> Under these circumstances, there is nothing to gain by addressing a letter of continued interest to a post office that closed 67 years ago. The State Engineer finds that the permittee or any possible successor in interest have failed to maintain a valid mailing address with the Office of the State Engineer.

### IV.

Permit 752 was issued with the condition that the Proof of Beneficial Use and its supporting cultural map must be submitted on or before January 1, 1910. The permittee's failure to file this map with the Office of the State Engineer violates this permit term, allowing Permit 752 to be considered for cancellation.

## CONCLUSIONS

### I.

The State Engineer has jurisdiction over the parties and the subject matter of this action and determination.<sup>3</sup>

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<sup>2</sup> White Pine County Genealogy website, January 17, 2008.

<sup>3</sup> NRS chapters 533 and 534.

RULING

Permit 752 is hereby cancelled on the grounds that the permittee has failed to comply with the terms of the permit.

Respectfully submitted,



TRACY TAYLOR, P.E.  
State Engineer

TT/MB/jm

Dated this 13th day of

May, 2008.