

IN THE MATTER OF APPLICATION NO. 3279
FILED BY W. D. PEREGON, TOM THORNBERRY,
H. WESTGARD, ERNEST MCKINNEY, FOR
PERMISSION TO APPROPRIATE WATER FROM
BUFFALO CANON SPRING IN PERSHING COUNTY,
NEVADA.

R U L I N G

GENERAL:

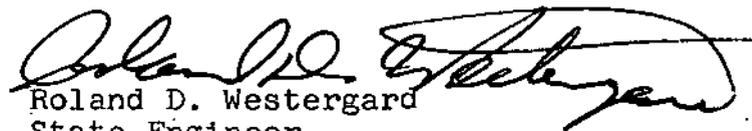
Application No. 3279 was filed by W. D. Peregón, Tom Thornberry, H. Westgard, and Ernest McKinney, on February 20, 1915 for permission to appropriate 0.5 cfs of water from Buffalo Canon Spring for mining and domestic purposes. The proposed point of diversion is described as within the NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 10, T. 27 N., R. 34 E., M.D.B.&M., and the proposed place of use is described as within the SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 9, T. 27 N., R. 34 E., M.D.B.&M. A permit was issued under this application on September 27, 1915 and the Proof of Beneficial Use was filed on January 8, 1919.

This permit was assigned to Rochester Mines Company on June 28, 1916. A letter dated July 7, 1969 was sent to the owner of record by certified mail requesting additional information necessary before a certificate could be issued under this certificate, as the Proof of Beneficial Use did not give a clear description of the manner and place where was was beneficially used. This letter was returned stamped "moved, no address" by the Postal Department. A letter, dated October 2, 1969, was sent to the owner of record requesting the additional information necessary before a certificate could be issued under this permit. A return receipt signed by F. L. Martin for Rochester Mines Company was received in this office on October 13, 1969. No reply has been received in this office to this letter.

RULING

Permit No. 3279 is herewith cancelled on the grounds that the permittee failed to comply with the provisions of the permit and that the Proof of Beneficial Use did not include the necessary information and requests by certified mail for this information were unanswered.

Respectfully submitted,


Roland D. Westergard
State Engineer

RDW:RRD:jb

Dated This 21st Day

of November, 1969.