

IN THE MATTER OF PERMITS 3510 AND)
3511 FILED BY O. O. TOGNINI AND)
JOSEPH TOGNINI FOR PERMISSION TO)
APPROPRIATE WATER FROM BLUE JAY SPRING))
AND NEW TRAP SPRINGS, RESPECTIVELY IN)
WHITE PINE COUNTY, NEVADA)

R U L I N G

GENERAL:

Application 3510 was filed by O. O. Tognini on July 14, 1915 for permission to appropriate 2.0 c.f.s. of water from Blue Jay Spring for irrigation and stockwatering purposes. The point of diversion was described as within the SW $\frac{1}{2}$ NW $\frac{1}{2}$ Section 1, T. 24 N., R. 58 E. The proposed place of use was described as 50 acres within portions of N $\frac{1}{2}$ NE $\frac{1}{2}$ Section 2 and W $\frac{1}{2}$ NW $\frac{1}{2}$ Section 1, T. 24 N., R. 58 E., M.D.B.&M.

A permit was issued under this application March 7, 1916 and the Proof of Beneficial Use was filed December 28, 1918.

Application 3511 was filed by Joseph Tognini on July 14, 1915 for permission to appropriate 1.0 c.f.s. of water from New Trap Springs for stockwatering purposes. The point of diversion and place of use were described as within the SE $\frac{1}{2}$ SE $\frac{1}{2}$ Section 30, T. 25 N., R. 59 E., M.D.B.&M. A permit was issued under this application March 7, 1916 and the Proof of Beneficial Use was filed December 28, 1918.

The Proof of Beneficial Use submitted under Permit 3510 did not adequately describe the location of the irrigated acreage and was not supported by a cultural map.

The Proof of Beneficial Use filed under Permit 3511 did not state the number of livestock watered under this permit. These permits were transferred to Fort Ruby Ranch, Inc. on January 5, 1949.

A letter dated August 4, 1969 was sent to the owners of record requesting a cultural map and an amended Proof of Beneficial Use be submitted under Permit No. 3510 and an amended Proof of Beneficial Use under Permit 3511 stating the number and kind of livestock watered from New Trap Spring. Their reply dated August 16, 1969 stated that the necessary steps would be taken in the very near future. A letter was sent to the owners of record by certified mail on November 10, 1969 giving the owner of record 30 days in which to submit the necessary items to complete action on these permits. A representative of the owners of record contacted this office December 4th and requested additional time as the amended Proof and map were forthcoming. No additional correspondence has been received regarding these permits.

RULING

Permits 3510 and 3511 are herewith cancelled on the grounds that the owners of record failed to submit the required Proofs and map.

Respectfully submitted,


Roland D. Westergard
State Engineer

RDW:RRD:jls

Dated this 17th day
of February, 1970.