

**IN THE OFFICE OF THE STATE ENGINEER**

IN THE MATTER OF THE REINSTATEMENT)  
OF CANCELLED PERMIT 46811 IN IONE)  
VALLEY, NYE COUNTY, NEVADA )

**RULING**

**FINDINGS OF FACT**

I.

Application 46811 was filed on April 12, 1983, in the name of the United States of America - Forest Service to appropriate 0.03 c.f.s. of the water of West Union Canyon Spring for stockwatering purposes. The point of diversion is located within the NW $\frac{1}{4}$  NW $\frac{1}{4}$  Section 33, T.12N., R.39E., M.D.B.&M.

The above application was approved and a permit was issued on August 9, 1985.

II.

By a certified mail notice dated September 14, 1987, the permittee was advised that the Proof of Beneficial Use had not been filed within the time limits established in the permit and the permit was in poor standing. Said notice stated that the required documents had to be submitted on or before 30 (thirty) days from the date of the notice or the permit would be cancelled.

III.

On November 6, 1987, Permit 46811 was cancelled for failure to submit the Proof of Beneficial Use.

IV.

Upon receipt of the cancellation, the permittee telephoned indicating the Proof of Beneficial Use had been submitted within the timeframe allowed. The Proof of Beneficial Use was subsequently located in the State Engineer's office with a date stamp received on October 13, 1987, which was within the 30 (thirty) days allowed in the notice of September 14, 1987.

**CONCLUSION**

I.

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

II.

A clerical error in the State Engineer's office resulted in the cancellation of Permit 46811.

RULING

The cancellation of Permit 46811 is hereby rescinded with no loss in priority and the processing of the submitted Proof of Beneficial Use will proceed.

Respectfully submitted,



PETER G. MORROS  
State Engineer

PGM/CT/bk

Dated this 13th day of  
January, 1988.