

IN THE OFFICE OF THE STATE ENGINEER

IN THE MATTER OF THE REINSTATEMENT)
OF CANCELLED PERMIT 35898 IN GOSHUTE)
VALLEY, ELKO COUNTY, NEVADA.)

RULING

FINDINGS OF FACT

I.

Application 35898 was filed on September 20, 1978, in the name of Robert J. Beaumont, dba Big Springs Ranch to appropriate 4.0 c.f.s. of the water of an underground source for irrigation purposes. The point of diversion is located within the NW1/4 NE1/4 Section 33, T.36N., R.66E., M.D.B.&M.

Application 35898 was approved and a permit was issued on December 20, 1979.

II.

By a certified mail notice dated July 22, 1987, the permittee was advised that the Proof of Beneficial Use and Cultural Map 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 document had to be submitted on or before thirty (30) days from the date of the notice or the permit would be cancelled.

III.

On September 22, 1987, Permit 35898 was cancelled for failure to submit the Proof of Beneficial use.

IV.

Upon receipt of the notice of cancellation, the agent for the owner of record submitted a letter dated September 29, 1987, asking why his agent, Mike Buschelman of Summit Engineering was not notified. In reviewing other water right files in the name of the permittee, documentation was found that Mike Buschelman was acting as agent for the permittee and should have been notified.

CONCLUSION

I.

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

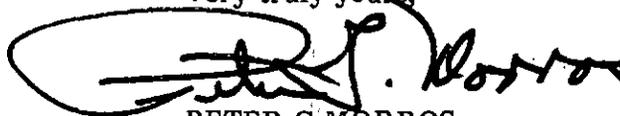
II.

The agent, Mike Buschelman, should have been given notice of the poor standing of the permit.

RULING

The cancellation of Permit 35898 is hereby rescinded with no loss in priority and a final notice will be forwarded to the agent setting time for submitting the Proof of Beneficial Use and Cultural Map.

Very truly yours,

A handwritten signature in black ink, appearing to read "Peter G. Morros", written over a large, loopy oval scribble.

PETER G. MORROS
State Engineer

PGM/LCR/bk

Dated this 9th day of

March, 1988.