

IN THE MATTER OF THE REINSTATEMENT )  
OF CANCELLED APPLICATION NOS. 42110, )  
42111 AND 42112, STEPTOE VALLEY, )  
WHITE PINE COUNTY, NEVADA )

RULING

179

FINDINGS OF FACT

I

Application Nos. 42110, 42111 and 42112 were filed on August 18, 1980, in the name of Kennecott Copper Corporation. The sources and locations are described as follows:

42110 - an underground source located in the NE $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 21, T.18N., R.64E., M.D.B. & M. (Hydroshaft #1), and the SW $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 16, T.18N., R.64E., M.D.B. & M. (Hydroshaft #2)

42111 - an underground source located in the NE $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 21, T.18N., R.64E., M.D.B. & M. (Shaft #1), and the SW $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 16, T.18N., R.64E., M.D.B. & M. (Shaft #2)

42112 - Drainage Canals located in the NE $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 12, T.18N., R.63E., M.D.B. & M.

Application 42110 was filed for permission to change the point of diversion of Certificate #1898 and Permit 9264 for milling purposes.

Application 42111 was filed for permission to change the point of diversion and time of use of Certificate #1899, Permit 9265 for irrigation purposes.

Application 42112 was filed for permission to change the point of diversion of Certificate #4013, Permit 13939, for milling and domestic purposes.

The proposed Place of Use for the above files remain unchanged.

The above applications were filed by Richard E. Fonger, agent for Kennecott Corporation.

II

In accordance with the provisions of NRS 533.355, a certified notice was mailed to Richard E. Fonger, dated November 19, 1980, thereby

notifying the applicant that a supporting map prepared by a licensed State Water Right Surveyor was required to be filed with the State Engineer's office within sixty (60) days of said notice, on or before January 18, 1981, or the applications would be subject to cancellation.

III

Application Nos. 42110, 42111 and 42112 were canceled March 3, 1981 for failure to file a supporting map within the statutory time limitation established by the January 18, 1981 deadline.

IV

It was subsequently found that an acceptable map was timely filed on January 13, 1981, which precedes the January 18, 1981 deadline established by the notice of November 19, 1980.

CONCLUSIONS

I

The State Engineer has jurisdiction under this matter in accordance with the provisions of NRS 533.325 and NRS 533.355.

II

The filing of the map within the established deadline satisfies the requirements of timely filing.

III

The publication fees were not returned prior to this notice; therefore, the processing of the applications toward publication will continue.

RULING

The cancellations of Application Nos. 42110, 42111 and 42112 are herewith rescinded and the applications shall be processed toward publication in accordance with provisions of NRS 533.360.

Respectfully submitted,

*William J. Newman*

William J. Newman, P.E.  
State Engineer

WJN-GMT-js

Dated this 20th day of

March, 1981