

IN THE MATTER OF THE REINSTATEMENT)  
OF CANCELLED APPLICATION 43459 IN )  
LAMOILLE VALLEY, ELKO COUNTY, )  
NEVADA )

R U L I N G

FINDINGS OF FACT

I

Application 43459 was filed on April 6, 1981 in the name of Boyd Ranch to appropriate 0.05 c.f.s. of water from an underground source to be located within the NE $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 8, T.34N., R.58E., M.D.B.& M.

The above application to appropriate water was filed under the signature of Marilyn W. Boyd.

II

In accordance with the provisions of NRS 533.355, a certified notice dated June 16, 1981 was mailed to Marilyn W. Boyd thereby notifying the applicant that a supporting map prepared by a licensed water right surveyor and an amended application showing the point of diversion by bearing and distance tie to an established section corner were required to be filed in the State Engineer's office within 60 days of said notice, on or before August 15, 1981, or the application would be subject to cancellation.

III

Application 43459 was cancelled October 9, 1981 for failure to file a supporting map and amended application within the statutory time limits established by the June 16, 1981 notice.

IV

It was subsequently found that an acceptable supporting map and amended application for 43459 were filed on August 14, 1981 which precedes the August 15, 1981 deadline established by the notice of June 16, 1981.

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 and amended application within the established deadline satisfies the requirements of timely filing.

RULING

The cancellation of Application 43459 is herewith rescinded and the application shall be processed toward publication in accordance with the provisions of NRS 533.360.

Respectfully submitted,



Peter G. Morros  
State Engineer

PGM/KN/dh

Dated this 11th day

of January, 1982.