

IN THE MATTER OF APPLICATION 36243)
TO APPROPRIATE WATER FROM HOT SPRING)
IN SALMON FALLS CREEK, IN ELKO)
COUNTY, NEVADA)

R U L I N G

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INTRODUCTION

Application 36243 was filed December 5, 1978, to change the place of use of water heretofore appropriated under Permit 3576, Certificate 3380.

FINDINGS OF FACT

I

On January 18, 1979, Application 36243 was reviewed by this office and found that a supporting map prepared by a licensed state water right surveyor was needed. Filing of this map was set at on or before March 19, 1979, by certified notice dated January 18, 1979, as provided under NRS 533.355.

II

On April 30, 1979, this office received the supporting map.

III

On July 31, 1979, Application 36243 was sent to publication. The application was published by the Elko Daily Free Press April 3, 10, 17, 24, and 31, 1979. Twenty-five dollars were sent to the Elko Daily Free Press for publication fees.

IV

On April 13, 1979, Mark Chilton, agent for the applicant, filed Application 37908 to replace Application 36243, assuming that Application 36243 was canceled for late filing of the supporting map. He also submitted the statutory \$35 for the filing of new Application 37908.

CONCLUSIONS

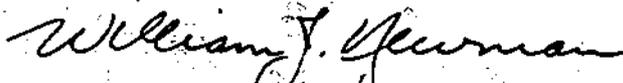
Application 36243 was published because of an oversight of this division. The application should have been canceled effective March 20, 1979, for failure to comply with State Engineer's notice dated January 18, 1979. In accordance with NRS 533.435(4), twenty-five dollars (\$25) of the original thirty-five dollar (\$35) filing fee under Application 36243 would have been refunded to the applicant upon cancellation of the application, this being the statutory allowance for publication of notice of the application.

RULING

Application 36243 is hereby canceled effective March 20, 1979, for not filing the supporting map within the specified time limit.

Reimbursement of the \$25 publication fee will be made to the applicant.

Respectfully submitted,



William J. Newman
State Engineer

WJN/HW/ja

Dated this, 28th day

of JANUARY, 1980.

STATE ENGINEER