

IN THE MATTER OF REINSTATEMENT)
OF CANCELLED APPLICATION 46111)
IN SMITH VALLEY, LYON COUNTY,)
NEVADA.)

R U L I N G

FINDINGS OF FACT

I

Application 46111 was filed September 3, 1982, in the name of Fred Fulstone, Jr. and U.S.D.I., B.L.M., to change the point of diversion and place of use of 0.025 c.f.s. of water heretofore appropriated by Permit 38131 from an underground source to be located within the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 26, T. 11 N., R. 24 E., M.D.B.&M.

The above application was filed under the signature of Rudy W. Reimold.

II

In accordance with the provisions of NRS 533.355, a certified notice dated October 8, 1982, was mailed to the Bureau of Land Management, thereby notifying the applicant that a supporting map, prepared by a licensed water right surveyor was required to be filed and an amended application requiring the points of diversion be described within a 40 acre subdivision and tied by bearing and distance to an established section corner. The map and corrected application were required to be filed in the State Engineer's Office within 60 days, of said notice, on or before December 7, 1982, or the application would be subject to cancellation.

III

Application 46111 was cancelled December 16, 1982 for failure to file a supporting map within the statutory time limit established by the October 8, 1982 notice.

IV

It was subsequently found that an acceptable supporting map was filed October 27, 1982, which precedes the December 7, 1982 deadline established by the October 8, 1982 notice.

CONCLUSIONS

I

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

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

RULING

The cancellation of Application 46111 is herewith rescinded and said application will proceed to publication, in accordance with the provisions of NRS 533.360.

Respectfully submitted,



PETER G. MORROS
State Engineer

PGM/SK/br

Dated this 23rd day of

December, 19 82.