

IN THE MATTER OF APPLICATION 6032)
FILED TO APPROPRIATE WATERS FROM)
ZENOBIA SPRINGS IN ELKO COUNTY,)
NEVADA)

R U L I N G

GENERAL:

Application 6032 was filed March 27, 1920 by Harry Dilts to appropriate 0.8 cfs of water for irrigation and domestic purposes. The point of diversion is described as being within the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 35, T. 47 N., R. 57 E., MDB&M. The proposed place of use is 80 acres located within the W $\frac{1}{2}$ NE $\frac{1}{4}$, Section 35, T. 47 N., R. 57 E., MDB&M.

This application was protested July 15, 1920 by D. F. Sweet on the grounds that the protestant had a vested right of all the water of this source and there was no unappropriated water available. No investigation was made regarding this protest.

On June 3, 1968 the Elko County assessor was contacted by certified mail requesting the assessed owner of the land under the proposed place of use under this application. The assessor's reply, dated June 7, 1968 stated that the land under this application was not presently being assessed and not patented as of August, 1967. A letter sent certified mail, dated July 12, 1968 to Mr. Harry W. Dilts, the applicant, requesting evidence that he owned or controlled the land under the proposed place of use was returned to this office July 18, 1968 stamped "Deceased."

OPINION:

It is the opinion of this office that the granting of a permit where the applicant does not own, or control the land on which he plans to place the water to beneficial use and the failure of the applicant or his successor in interest, to submit said requested information would be detrimental to the public welfare and not in the public interest.

RULING

Application 6032 is herewith denied on the grounds that the applicant or his successor in interest, failed to submit the requested evidence. The approval of this application without the requested information would be detrimental to the public welfare and not in the public interest.

Respectfully submitted,


Roland D. Westergard
State Engineer

Dated this 25th day

of July, 1968

RDW:RRD:jls