

IN THE MATTER OF APPLICATION NO. 18073)
FILED ON JUNE 22, 1959 BY ANNA F. GANN)
TO APPROPRIATE WATER FROM AN UNDERGROUND)
SOURCE IN ESMERALDA COUNTY, NEVADA)

R U L I N G

GENERAL:

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Application No. 18073 was filed on June 22, 1959 by Anna F. Gann to appropriate 6.0 c.f.s. of water from an underground source for irrigation (240 acres) and domestic purposes. The point of diversion is described as within the NE $\frac{1}{2}$ SE $\frac{1}{2}$ Section 4, T. 2 S., R. 35 E., M.D.B.&M. The place of use is described as within Lots 3 and 4, Section 3 and E $\frac{1}{2}$ E $\frac{1}{2}$ Section 4, T. 2 S., R. 35 E., M.D.B.&M. This application was filed in support of Desert Land Entry NEV-011876.

This office was informed by a letter from the Bureau of Land Management, dated August 6, 1968 that Desert Land Entry NEV-011876 in the name of Anna F. Gann was cancelled and closed as of August 6, 1968. A letter dated August 9, 1968 was sent by certified mail to the applicant requesting evidence that the applicant owned or controlled the land to which the water was to be beneficially used and also to state how the applicant planned to put this water to beneficial use. A return receipt card signed by Anna F. Gann was received in this office on August 13, 1968.

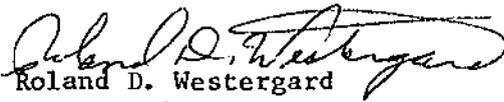
OPINION:

It is the opinion of this office that the granting of an application where the applicant does not own or control the land on which he plans to put the water to beneficial use would be detrimental to the public welfare and not in the public interest.

RULING

Application 18073 is herewith denied on the grounds that the granting of this application would be detrimental to the public welfare and not in the public interest.

Respectfully submitted,


Roland D. Westergard
State Engineer

RDW:RD:jls

Dated this 30th day of
August, 1968.