

IN THE MATTER OF APPLICATION)
26046 TO APPROPRIATE WATER)
FROM WILLOW CREEK IN NYE)
COUNTY, NEVADA.)

R U L I N G

149

GENERAL:

Application 26046 was filed on April 13, 1971 in the name of Michael Ettl to appropriate 7.5 c.f.s. and for the irrigation of approximately 320 acres.

The proposed point of diversion is located within the NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 21, T.3N., R.48E., and the proposed place of use is the SW $\frac{1}{4}$ Section 16, SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 17, NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 20, N $\frac{1}{2}$ NW $\frac{1}{4}$ Section 21, T.3N., R.48E. The reservoir is to be located within the SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 21 and is to be formed by diverting water from Willow Creek into the reservoir by $\frac{1}{4}$ mile of ditch. Application 26046 became ready for action on September 13, 1971.

By certified letter of May 3, 1971 Mr. Ettl was informed that for the storage of 240 acre feet in a holding reservoir a dam application would be required. A receipt for this letter signed by Michael Ettl was received May 5, 1971. By subsequent letters of January 19, 1972 and March 24, 1972 further information on the location, size, and state of construction of the reservoir and dam was requested, in addition to again informing Mr. Ettl that a dam application including plans and specifications would be required. By letter of March 27, 1972 Mr. Ettl requested an Extension of Time within which to complete engineering work on the proposed dam and reservoir and by subsequent letter of March 30, 1972 from the State Engineer's office, an extension of one year was granted from the ready for action date (September 13, 1971).

By letter received September 13, 1972 from Mr. Ettl a second one years extension was requested for submitting the dam plans. No further correspondence was received and by letter of April 11, 1974 from the State Engineer's office, Mr. Ettl was informed that either action must be taken on the application or the application could be withdrawn and a refiling made at a later date. No reply to that letter was received.

By certified letter dated May 21, 1975 it was requested that Mr. Ettl inform the State Engineer's office of his

intentions under Application 26046. This letter further indicated that no response would be interpreted to mean that Mr. Ettl no longer intended to proceed with the application. A receipt for this letter signed by Michael Ettl was received by the State Engineer's office on May 30, 1975. As of the date of this ruling, no response has been received.

RULING:

Application 26046 is herewith denied on the grounds that the applicant has failed to submit information necessary for the consideration of a permit.

Respectfully submitted,


Roland D. Westergard
State Engineer

RDW/lk

Dated this 27th day
of August, 1975.

