

IN THE MATTER OF APPLICATION 17219)
FILED BY WILBUR D. MAY TO CHANGE)
THE PLACE OF USE OF A PORTION OF)
CLAIM NO. 165, TRUCKEE RIVER FINAL)
DECREE IN U. S. OF AMERICA vs. ORR)
WATER DITCH COMPANY, IN EQUITY,)
DOCKET NO. A-3.)

R U L I N G

GENERAL

Application No. 17219 was filed on March 21, 1957, by Wilbur D. May for permission to change the place of use of a portion (0.10 c.f.s.) of the water appropriated under Claim No. 165, Truckee River Final Decree in U. S. of America vs. Orr Water Ditch Company, In Equity, Docket No. A-3.

The decreed owner and owner of record of Claim No. 165 is H. G. Hubbard.

Application 17219 became ready for consideration for issuance of a permit on June 28, 1958.

Prior to that time, Mr. John L. Belford, Attorney at Law, who had signed Application 17219 in behalf of Mr. May, was notified on April 4, 1957 that before Application 17219 could be processed it would be necessary to transfer ownership of Claim No. 165 to Mr. May, by filing in this office certified copies of deeds completing the chain of title from Mr. H. G. Hubbard, the decreed owner, to Mr. May.

Subsequently, repeated attempts have been made by this office and agents representing Mr. May to resolve this matter.

On April 14, 1976, this office received a letter dated April 13, 1976, from Mr. Richard W. Harris of Woodburn, Wedge, Blakey, Folsom, and Hug, Attorneys-at-law, representing Mr. May, stating that they would no longer pursue Application 17219 because of irremedial defects in title.

A letter dated April 15, 1976 was sent to Mr. Harris, requesting that a withdrawal of Application 17219 be executed by Mr. May personally. Mr. Harris was advised that the withdrawal could be executed by him as agent for Mr. May, but that in this event it would be necessary that Mr. May notify this office of Mr. Harris' appointment as agent in this matter.

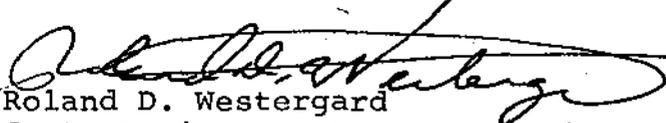
On January 26, 1977, Mr. Harris was notified by certified mail, copy to Mr. May also by certified mail, that this office would take action with respect to Application 17219 on Feb. 25, 1977; unless the required withdrawal signed by Mr. May, or letter appointing Mr. Harris as agent so that he could execute the withdrawal was received by that date.

Neither the required withdrawal or letter appointing Mr. Harris agent to act in Mr. May's behalf in the matter of Application 17219 were received by February 25, 1977.

RULING

Application 17219 is denied on the grounds that the ownership of the right it purports to change differs from that of the applicant proposing the change.

Respectfully submitted,


Roland D. Westergard
State Engineer

RDW:JCP:jw

Dated this 8th day of
March, 1977.