

IN THE MATTER OF APPLICATION)
NO. 22874 FILED BY PHILIP F.)
SPOONER TO APPROPRIATE WATER)
FROM AN UNDERGROUND SOURCE }
IN ELKO COUNTY, NEVADA }

R U L I N G

GENERAL:

Application No. 22874 was filed November 29, 1965 by Philip F. Spooner to appropriate 2.0 c.f.s. of water from an underground source for mining, milling and domestic purposes. The point of diversion is indicated within the NE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 1, T. 36N., R. 47E., M.D.B.&M. The place of use is described as within Section 1, T. 36N., R. 47E., M.D.B.&M. and Sections No. 25, 26, 35, and 36, T. 37N , R. 47E., M.D.B.&M.

First notice for permit fees was forwarded to Mr. Philip F. Spooner, P. O. Box 315, Battle Mountain, Nevada on May 11, 1966, second notice was forwarded to Mr. Spooner on July 13, 1966 and the third and final notice was forwarded by certified mail to Mr. Spooner on August 12, 1966. Return receipt for certified mail indicates E. W. Morris signed as addressee's agent on August 17, 1966.

RULING

Application No. 22874 is hereby denied for failure to comply with the provisions of NRS 533.435 setting forth the statutory fee to be received by the office of the State Engineer for issuing and recording a permit to appropriate water.

Respectfully Submitted,


Roland D. Westergard
Assistant State Engineer

RDW:WJN:jb

Dated This 23rd Day
of March, 1967.