

IN THE MATTER OF APPLICATION 7665 )  
FILED BY B. F. ROGERS FOR PERMISSION )  
TO APPROPRIATE WATER FROM WARM SPRING IN )  
ESMERALDA COUNTY, NEVADA. )

R U L I N G

GENERAL:

Application 7665 was filed March 15, 1926, by B. F. Rogers for permission to appropriate 0.1 c.f.s. of water from Warm Spring for stock watering purposes. The proposed point of diversion and place of use is described as within the SE $\frac{1}{4}$  NW $\frac{1}{4}$  Sec. 1, T.3N., R.38E., M.D.B.&M.

A letter dated January 27, 1965, was sent to the Bureau of Land Management requesting information regarding the grazing rights in the area of this application. Their reply, dated February 18, 1965, stated that the applicant under 7665 does not have a grazing lease on any of the lands administered out of their office.

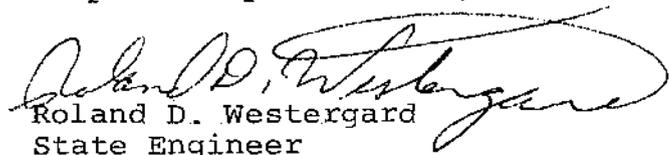
A letter dated February 23, 1965, was sent to the applicant requesting additional information necessary before a permit could be issued under this application. No reply was received to this letter.

A letter, dated October 4, 1968, was sent to the applicant by certified mail requesting additional information necessary before a permit could be issued under this application. A return receipt signed by B. F. Rogers was received in this office October 18, 1968.

RULING

Application 7665 is herewith denied on the grounds that the applicant does not have a grazing right for the proposed place of use under this application and failed to submit the requested information necessary before a permit could be issued, and the granting of a permit where the applicant does not have a grazing right and without the requested information would be detrimental to the public welfare.

Respectfully submitted,

  
Roland D. Westergard  
State Engineer

RDW:RRD:jw

Dated this 19th day  
of November, 1968.