

IN THE MATTER OF APPLICATION 9846)
FILED BY W. R. BELLINGER TO)
APPROPRIATE WATER FROM THE SOUTH)
FORK OF THE HUMBOLDT RIVER WITHIN)
ELKO COUNTY, NEVADA.)

R U L I N G

Application 9846 was filed March 18, 1935, to change the points of diversion and place of use under Proof of Appropriation 00374, Humboldt River Decree. The points of diversion under Proof 00374 are within the NE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 4, and the NW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 10, T.31N., R.56E., M.D.B.&M. and the place of use is within the W $\frac{1}{2}$ SE $\frac{1}{4}$ and SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 31, T.32N., R.56E., NW $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NE $\frac{1}{4}$ Sec. 5, and NE $\frac{1}{4}$ Sec. 4, T.31N., R.56E., M.D.B.&M. The proposed point of diversion is within the NW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 4, T.31N., R.56E., M.D.B.&M. The 134 acres to be irrigated are within the NW $\frac{1}{4}$, and SW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 5, T.31N., R.56E., M.D.B.&M.

A letter was sent to the applicant on October 8, 1968, by certified mail requesting additional information necessary before action could be taken on this application. A letter was received in this office October 16, 1968, from W. L. Bellinger, nephew of the applicant. He stated that his uncle passed away about 25 years ago and the L.D.S. Church is the present owner of the ranch. On November 1, 1968, a letter was sent to the L.D.S. Church asking if they are interested in pursuing this application. A return receipt signed by the L.D.S. Church was received in this office November 4, 1968.

RULING

Application 9846 is herewith denied on the grounds that the applicant or his successors in interest failed to submit the information requested and the approval of this application without the information requested would be detrimental to the public welfare.

Respectfully submitted,


ROLAND D. WESTERGARD
State Engineer

RDW:RED:jw

Dated this 4th day of
December, 1968.