

IN THE MATTER OF APPLICATION 4446)
FILED BY F. V. BURNER TO APPRO-)
PRIATE WATER FROM CHIMNEY CREEK)
WITHIN ELKO COUNTY, NEVADA.)

R U L I N G

GENERAL:

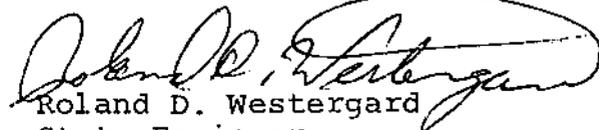
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Application 4446 was filed on May 23, 1917, for 1.0 c.f.s. of water for irrigation and domestic purposes. The proposed source is Chimney Creek and is to be diverted in the NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 8, T.31N., R.57E., M.D.B.&M. The 80 acres described under the place of use are within the N $\frac{1}{2}$ NW $\frac{1}{4}$ Sec. 8, T.31N., R.57E., M.D.B.&M.

A letter was sent to the applicant on September 23, 1968, by certified mail requesting additional information necessary before action could be taken on this application. A return receipt card signed by Ross P. Eardly for F. V. Burner was received in this office September 26, 1968.

RULING

Application 4446 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 6th day of
December, 1968.