

IN THE MATTER OF APPLICATION 23410 )  
FILED ON SEPTEMBER 19, 1966, BY )  
E. H. POTTER TO APPROPRIATE WATER )  
FROM A SPRING IN HUMBOLDT COUNTY, )  
NEVADA. )

R U L I N G

GENERAL:

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Application 23410 was filed on September 19, 1966, by E. H. Potter to appropriate 0.5 c.f.s. of water from a spring for mining, milling and domestic purposes. The proposed point of diversion is within the SE $\frac{1}{4}$ SW $\frac{1}{4}$  Section 25, T.42N., R.27E., M.D.B.&M. The proposed place of use is within the SE $\frac{1}{4}$  Section 25, T.42N., R.27E., M.D.B.&M.

Application 23410 was protested on December 2, 1966, by Pine Forest Land and Stock Company alleging that affiant has a vested right to all of the waters of subject spring for stock watering purposes prior to 1874 and there are no unappropriated waters from said spring.

A field investigation of the spring area was held on July 2, 1970. The applicant was not present nor represented.

On August 18, 1970, a letter was sent to E. H. Potter by certified mail requesting an expression of his interest in Application 23410. The attached certified mail receipt was signed by Potter. No response was made.

The Bureau of Land Management advised this office in a letter dated August 24, 1970, that the Pine Forest Land and Stock Company is the only range user in this area within which the subject spring is located.

RULING

Application 23410 is herewith denied on the grounds that the proposed appropriation would interfere with existing rights and where requested information is not supplied by the applicant, would be detrimental to the public welfare.

Respectfully submitted,

  
Roland D. Westergard  
State Engineer

RDW:LEP:jw

Dated this 12th day of  
April, 1971.