

IN THE MATTER OF APPLICATION)
7854 TO APPROPRIATE WATER)
FROM WILLOW CREEK IN EUREKA)
COUNTY, NEVADA.)

R U L I N G

GENERAL:

Application 7854 was filed on August 20, 1926 in the name of Edward Herrera to appropriate 1.0 c.f.s. or 300 acre-feet from Willow Creek, with the point of diversion to be located within the NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 28, T.27N., R.49E., M.D.B.& M. The proposed use is for the irrigation of 100 acres, for the stock watering of 5,000 head of sheep and for domestic purposes, from April 1st to October 1st of each year. The proposed place of use is within the W $\frac{1}{2}$ Section 27, and NE $\frac{1}{4}$ Section 28, T.27N., R.49E., M.D.B.& M. By deed dated December 23, 1929 and filed in the State Engineer's office on April 12, 1930, Application 7854 was assigned into the name of Charley Allison.

A protest to the granting of Application 7854 was filed on December 4, 1926, in the name of Flora Dean Hobart and Ethel Dean Hussey.

No further action was taken on Application 7854 or on the protest. By certified letter dated August 7, 1969, Mr. Charley Allison was requested to advise the State Engineer's office in writing if he was interested in further action on the application. By written reply, dated August 21, 1969, Mr. Tom Allison indicated that he was the son of Charley Allison, deceased, and requested that he be informed of the procedure for pursuing action on the application. By letter dated September 5, 1969, to Mr. Tom Allison, it was requested that the chain of title be completed to himself from Charley Allison. No reply to that letter was received and by certified letter dated October 7, 1969, Mr. Tom Allison was again requested to submit documents necessary to complete the chain of title within sixty days. A receipt for that certified letter, endorsed by Mr. Tom Allison, was returned to the State Engineer's office on October 10, 1969. No reply to that certified letter has been received.

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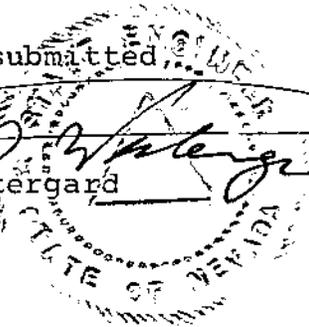
By letter dated November 3, 1975, the Eureka County Assessor's office was requested to inform the State Engineer's office of the status and present ownership of the place of use under Application 7854. The written reply from the Eureka County Assessor, received November 13, 1975, indicates that the land described is vacant government land.

RULING:

Application 7854 is herewith denied on the grounds that the applicant or his successor in interest failed to submit requested information necessary before a permit could be granted under the application and on the grounds that the applicant does not own or control the proposed place of use.

Respectfully submitted,


Roland D. Westergard
State Engineer



RDW/BAR/bs

Dated this 13th day
of February, 1976.