

IN THE MATTER OF APPLICATION 22402
FILED BY RICHARD G. MCKAY FOR
THE WATERS OF AN UNDERGROUND SOURCE
LOCATED IN BLACK ROCK DESERT,
WASHOE COUNTY, NEVADA.

R U L I N G

General:

Application 22402 was filed on January 29, 1965 by Richard G. McKay to appropriate 5.0 c.f.s. of water from an underground source for irrigation and domestic purposes. The point of diversion is described as being within the NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 25, T. 36 N., R. 23 E., M.D.B.&M., and the place of use is located within the SE $\frac{1}{4}$ Section 25, T. 36 N., R. 23 E., M.D.B.&M.

This application was filed in support of Desert Land Entry Nevada 055097. On April 14, 1965 this office was informed by the Bureau of Land Management that DLE Nevada 055097 had been cancelled in its entirety for failure of the entryman to comply with the final proof requirements of the Desert Land Laws, therefore, the applicant does not exercise any control over the land.

Opinion:

It is the opinion of this office that the granting of an application where the applicant does not own or control the land on which he plans to place the water to beneficial use would be detrimental to the public welfare and the orderly development of the area.

Ruling:

Application 22402 is herewith denied on the grounds that its granting would be detrimental to the public welfare.

Respectfully submitted,

GEORGE W. HENNEN
State Engineer

BY:


Roland D. Westergard
Assistant State Engineer

Dated this 9th day of
February, 1966.

RDW:PGM:wij