

IN THE MATTER OF APPLICATION 21594)  
FILED BY BOUNDARY PEAK WATER AND )  
SEWERAGE CO., INC. TO APPROPRIATE )  
THE WATERS OF WILLOW CREEK IN )  
MINERAL COUNTY, NEVADA. )

R U L I N G

Application 21594 was filed on October 28, 1963, by Boundary Peak Water & Sewerage Co., Inc. to appropriate 2.0 c.fs. of the waters of Willow Creek for municipal and domestic purposes. The point of diversion is within the NE $\frac{1}{4}$  of the SW $\frac{1}{4}$  of Section 35, T.1N., R.32E., M.D.B.&M. The place of use is described as being portions of the SE $\frac{1}{4}$  Section 32; NE $\frac{1}{4}$  Section 32; SE $\frac{1}{4}$  Section 29, T.1N., R.32E., M.D.B.&M. The Application was subsequently assigned to Nevada Farm and Development Corp., which is the owner of record.

Boundary Peak Water & Sewerage Co., Inc. was advised by letter dated May 6, 1964, that the office of the State Engineer could not take action on Application 21594 unless evidence was supplied that it had filed an application with the Public Service Commission for a Certificate of Public Convenience and Necessity.

On April 21, 1965, the office of the State Engineer was advised by Mr. M. D. Haltom, Secretary of Nevada Farm and Development Corporation, assignee of Boundary Peak Water & Sewerage Co., Inc., that action had been initiated to proceed with an application to the Public Service Commission of Nevada for a Certificate of Public Convenience and Necessity. No further communication has been received from Mr. Haltom.

On June 3, 1968, the office of the State Engineer requested that Nevada Farm and Development Corp. and/or Morris D. Haltom express interest in the Application and submit evidence that application to the Public Service Commission had been made for the Certificate of Public Convenience and Necessity by July 3, 1968. Request was made certified mail to each party concerned. The letter to Nevada Farm and Development Corp. was not deliverable; Mr. M. D. Haltom received the letter on June 6, 1968. No response has been made to the request.

RULING

Application 21594 is hereby denied on the grounds the applicant has failed to submit evidence of complying with conditions for approval. Granting of the application without the evidence requested to satisfy the conditions for approval would be detrimental to the public welfare.

Respectfully submitted,

Dated this 16th day  
of July, 1968

  
ROLAND D. WESTERGARD  
State Engineer

RDW:JCP:jw