

IN THE MATTER OF APPLICATIONS NO. 7046 }
AND 7047 FILED BY THE CONTACT SEWAGE }
COMPANY TO APPROPRIATE WATER FROM GREY }
SPRING NO. 1 AND GREY SPRING NO. 2, }
RESPECTIVELY, IN ELKO COUNTY, NEVADA. }

R U L I N G

GENERAL:

Application 7046 was filed by the Contact Sewage Company on February 16, 1924 to appropriate 1.0 cfs of water from Grey Spring No. 1 (Upper Spring) for municipal purposes. The water to be diverted from its source within the SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 19, T. 45 N., R. 64 E., M.D.B.&M. The place of use is described as within the E $\frac{1}{2}$ Section 19 and Section 20, T. 45 N., R. 64 E., M.D.B.&M. Protest to the granting of this application was filed by the Gray Mining Company on March 21, 1924.

Application 7047 was filed by the Contact Sewage Company on February 16, 1924 to appropriate 1.0 cfs of water from Grey Spring No. 2, (Lower Spring) for municipal purposes. The water to be diverted from its source within the SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 19, T. 45 N., R. 64 E., M.D.B.&M. The place of use is described as within the E $\frac{1}{2}$ Section 19 and Section 20, T. 45 N., R. 64 E., M.D.B.&M. Protest to the granting of this application was filed by the Gray Mining Company.

Applications 7046 and 7047 were approved over the protests without a hearing on the grounds that the protestant did not have a prior water right of record on the source under the above applications. The permit fees were paid by the applicant and the permits were prepared but never signed by the State Engineer. At this point, the case was reopened and a formal hearing was scheduled by the State Engineer but the hearing was never held as notice was received in this office that the applicant had gone into the hands of the Receivers. No claim for refund of the permit fees was ever presented by the applicant to the Nevada State Legislature.

A letter was sent to the applicant on April 28, 1969 by certified mail requesting additional information necessary before further action could be taken on Applications 7046 and 7047. The letter was returned by the Post Office Department marked "Addressee Unknown".

RULING

Applications 7046 and 7047 are herewith denied on the grounds that the applicant or his successors in interest have failed to submit the information requested and the approval of these applications without the information requested would be detrimental to the public welfare.

Respectfully submitted,


Roland D. Westergard
State Engineer

RDW:WJN:jb
Dated This 6th Day

of June, 1969.