

IN THE MATTER OF APPLICATION NO. 16231)
FILED BY THOMAS ALBERT STRAIN FOR)
PERMISSION TO APPROPRIATE WATER FROM)
AN UNDERGROUND SOURCE IN LINCOLN COUNTY,))
NEVADA)

R U L I N G 1677

GENERAL:

Application No. 16231 was filed by Thomas Albert Strain on March 21, 1955 for permission to appropriate 4.5 c.f.s. of water from an underground source for irrigation purposes. The point of diversion was described as within the NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 11, T. 6 N., R. 66 E., M.D.B.&M. The proposed place of use is described as 320 acres within the N $\frac{1}{2}$ of said Section 11. This application was ready for action on October 27, 1956.

Correspondence in this file states that this land entry was rejected on February 16, 1956 by the Bureau of Land Management. Letters dated February 29, 1956 and March 26, 1956 were forwarded to the applicant advising him that notice had been received of rejection of the land entry and suggesting that he withdraw said application. No reply was received to these letters. A letter was sent to the Bureau of Land Management on January 21, 1970 requesting information on the status of the proposed place of use under this application. Their reply dated January 23, 1970, states that the N $\frac{1}{2}$ Section 11, T. 6 N., R. 66 E., M.D.B.&M., is federal land. A letter was sent to the applicant on January 21, 1970 by certified mail requesting evidence that he owned or controlled the proposed place of use under this application and could beneficially use the water applied for. No reply has been received to this letter.

RULING

Application No. 16231 is herewith denied on the grounds that the applicant failed to submit the required evidence that he could place the water to beneficial use.

Respectfully submitted,


Roland D. Westergard
State Engineer

RDW:RRD:jls

Dated this 20th day

of February, 1970.