

IN THE MATTER OF APPLICATION)
5656, TO APPROPRIATE THE WATERS)
OF SOUTH FORK OWYHEE RIVER,)
APPLICATION 7059, TO APPROPRIATE)
THE WATERS OF WALL CREEK AND)
APPLICATIONS 9121 THROUGH 9138,)
INCLUSIVE, TO APPROPRIATE THE)
WATERS OF VARIOUS SPRINGS AND)
WATERHOLES, ALL SOURCES BEING)
IN ELKO COUNTY, NEVADA)

R U L I N G

GENERAL:

2/P Application 5656 was filed on August 5, 1919 by C. C. Luce, for permission to change the place of use of 0.8 c.f.s. of the waters of the South Fork Owyhee River, heretofore appropriated under Permit 4000. The proposed place of use is 80 acres in the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 18, and NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 19, T.44N., R.50E., M.D.B. & M.

I Application 7059 was filed March 6, 1924, by Clarence A. Butt, for permission to appropriate 1.6 c.f.s. of the waters of Wall Creek for irrigation purposes. The proposed point of diversion is in the NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 36, T.45N., R.51E., M.D.B. & M. The proposed place of use is 160 acres in the SW $\frac{1}{4}$, Section 25, T.45N., R.51E., M.D.B. & M.

S ↓ Application 9121 was filed on November 2, 1929, by Garat and Co., for permission to appropriate 10.0 c.f.s. of the waters of Garat Spring No. 1 for stockwatering purposes. The proposed point of diversion and place of use are in the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 13, T.46N., R.49E., M.D.B. & M.

Application 9122 was filed on November 2, 1929, by Garat and Co., for permission to appropriate 10.0 c.f.s. of the waters of Garat Spring No. 2, for stockwatering purposes. The proposed point of diversion and place of use are in the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 30, T.46N., R.50E., M.D.B. & M.

Application 9123 was filed on November 2, 1929, by Garat and Co., for permission to appropriate 10.0 c.f.s. of water from Garat No. 3, Water Hole, for stockwatering purposes. The proposed point of diversion and place of use are in the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 25, T.44N., R.49E., M.D.B. & M.

Application 9124 was filed on November 2, 1929, by Garat and Co., for permission to appropriate 10.0 c.f.s. of the waters of Garat No. 4 Water Hole, for stockwatering purposes. The proposed point of diversion and place of use are in the NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 35, T.46N., R.48E., M.D.B. & M.

Application 9125 was filed on November 2, 1929, by Garat and Co., for permission to appropriate 10.0 c.f.s. of the waters of Garat Reservoir No. 5 for stockwatering purposes. The proposed point of diversion and place of use are in the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 10, T.46N., R.48E., M.D.B. & M.

Application 9126 was filed on November 2, 1929, by Garat and Co., for permission to appropriate 10.0 c.f.s. of the waters of Garat Water Hole No. 6, for stockwatering purposes. The proposed point of diversion and place of use are in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 25, T.47N., R.47E., M.D.B. & M.

Application 9127 was filed on November 2, 1929, by Garat and Co. for permission to appropriate 10.0 c.f.s. of the waters of Garat Waterhole No. 7, for stockwatering purposes. The proposed point of diversion and place of use are in the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 9, T.46N., R.48E., M.D.B. & M.

Application 9128 was filed on November 2, 1929, by Garat and Co., for permission to appropriate 10.0 c.f.s. of water from Garat Reservoir No. 8, for stockwatering purposes. The proposed point of diversion and place of use are in the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 19, T.47N., R.48E., M.D.B. & M.

Application 9129 was filed on November 2, 1929, by Garat and Co., for permission to appropriate 10.0 c.f.s. of the waters of Garat Reservoir No. 9, for stockwatering purposes. The proposed point of diversion and place of use are in the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 19, T.47N., R.49E., M.D.B. & M.

Application 9130 was filed on November 2, 1929, by Garat and Co., for permission to appropriate 10.0 c.f.s. of the waters of Garat Reservoir No. 10, for stockwatering purposes. The proposed point of diversion and place of use are in the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 24, T.47N., R.49E., M.D.B. & M.

Application 9131 was filed on November 2, 1929, by Garat and Co., for permission to appropriate 10.0 c.f.s. of the waters of Garat Reservoir No. 11 for stockwatering purposes. The proposed point of diversion and place of use are in the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 17, T.46N., R.49E., M.D.B.& M.

Application 9132 was filed on November 2, 1929, by Garat and Co., for permission to appropriate 10.0 c.f.s. of the waters of Garat Reservoir No. 12, for stockwatering purposes. The proposed point of diversion and place of use are in the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 8, T.45N., R.49E., M.D.B.&M.

Application 9133 was filed on November 2, 1929, by Garat and Co., for permission to appropriate 10.0 c.f.s. of the waters of Garat Reservoir No. 13, for stockwatering purposes. The proposed point of diversion and place of use are in the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 33, T.45N., R.49E., M.D.B.& M.

Application 9134 was filed on November 2, 1929, by Garat and Co., for permission to appropriate 1.0 c.f.s. of the waters of Garat No. 14 Watering Hole, for stockwatering purposes. The proposed point of diversion and place of use are in the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 32, T.44N., R.49E., M.D.B.& M.

Application 9135 was filed on November 2, 1929, by Garat and Co., for permission to appropriate 2.0 c.f.s. of the waters of Garat Spring No. 15, for stockwatering purposes. The proposed point of diversion and place of use are in the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 15, T.44N., R.50E., M.D.B.&M.

Application 9136 was filed on November 2, 1929, by Garat and Co., for permission to appropriate 10.0 c.f.s. of the waters of Garat No. 16, Reservoir, for stockwatering purposes. The proposed point of diversion and place of use are in the NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 1, T.43N., R.50E., M.D.B.&M.

Application 9137 was filed on November 2, 1929, by Garat and Co., for permission to appropriate 2.0 c.f.s. of the waters of Garat Watering Hole No. 17, for stockwatering purposes. The proposed point of diversion and place of use are in the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 10, T.45N., R.51E., M.D.B.& M.

Application 9138 was filed on November 2, 1929, by Garat and Co., for permission to appropriate 2.0 c.f.s. of the waters of Garat No. 18 Water Hole, for stockwatering purposes. The proposed point of diversion and place of use are in the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 2, T.45N., R.50E., M.D.B.&M.

Petan Company of Tuscarora, Nevada is the owner of record of all of the above numbered applications. A letter was forwarded to Petan Company on March 18, 1974, by certified mail, requesting information necessary before action could be taken on these applications. A return receipt card, signed by Mike Chrismer for Petan Company, was received in this office March 21, 1974. To date, no reply has been received.

RULING

Applications 5656, 7059 and 9121 through 9138, inclusive, are herewith denied on the grounds that the applicants or their successors in interest failed to submit the requested information, including an intent to place the water to be appropriated to a beneficial use, necessary before permits could be issued under these applications.

Respectfully submitted,


Roland D. Westergard
State Engineer

Dated this 3rd day
of May, 1974.

RDW/BLR/bs