

IN THE MATTER OF APPLICATION 36115)
FILED ON OCTOBER 27, 1978, BY DONALD E.)
AND SUSAN L. BENTLY FOR PERMISSION TO)
APPROPRIATE WATER FROM AGUA DEL ORO)
SPRING IN DOUGLAS COUNTY, NEVADA.)

R U L I N G

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GENERAL

Application 36115 was filed on October 27, 1978, by Donald E. Bently and Susan L. Bently for permission to appropriate 0.3 c.f.s. of water from Agua del Oro Spring for stock watering (5,000 sheep) and domestic purposes. The point of diversion is located within the SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 10, T.11N., R.21E., M.D.B. & M. The place of use is within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of the said Section 10.

Application 36115 became ready for action on February 17, 1979. There were no protests filed against Application 36115.

DISCUSSION

The source described in Application 36115 is extremely close to, or may be, the same source described in Certificate 6907, issued under the terms of Permit 20314. The source described in Certificate 6907 is Dabute Tunnel Spring, located within the SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 10, T.11N., R.21E., M.D.B. & M. Certificate 6907 was issued for the appropriation of 0.03 c.f.s. of water from Dabute Tunnel Spring for domestic purposes. The owner of record of Certificate 6907 is Danite Mining and Exploration Company. The metes and bounds descriptions of the locations of the sources described in Application 36115 and Certificate 6907 indicate that the respective sources are approximately 35 (thirty-five) feet apart; or, close enough to raise the possibility that Application 36115 and Certificate 6907 describe the same source.

On August 7, 1979, a letter was sent to the applicants under Application 36115 via certified mail requesting that the applicants contact the Division of Water Resources in order that arrangements could be made to conduct an informal field investigation for the purpose of determining whether or not the sources were identical; or were, in fact, separate sources. No reply has been received to this letter.

On September 27, 1979, a letter was sent to the applicants under Application 36115 via certified mail in which they were told that no reply had been received to our letter of August 7, 1979; and, that if no response was received within thirty days of September 27, 1979, it would be assumed that the applicants were no longer interested in Application 36115, and that the Application 36115 would be denied.

A return receipt signed by Susan Bently on September 28, 1979, shows that our letter of September 27, 1979, was delivered on September 28, 1979. No reply to our letter of September 27, 1979, has been received.

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RULING

Application 36115 is denied on the grounds that granting the appropriation sought under Application 36115 would not be in the public interest; in that the applicants thereunder have failed to demonstrate any interest in the appropriation sought to be made under Application 36115.

Respectfully submitted,

William J. Newman

William J. Newman
State Engineer

WJN/JCP/ja

Dated this 9th day

of JANUARY, 1980