

IN THE MATTER OF APPLICATION 16786)
FILED NOVEMBER 16, 1955, BY DAN)
CLARK TO APPROPRIATE THE WATERS OF)
SPRING AT THE HEAD OF DUCK CREEK)
FOR STOCK WATERING PURPOSES IN)
WHITE PINE COUNTY, NEVADA.)

R U L I N G

General:

Application 16786 was filed on November 16, 1955, to appropriate 0.01 c.f.s. of the waters of Spring at head of Duck Creek for stock watering purposes. The point of diversion is described as being within the SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 6, T. 16 N., R. 65 E., M.D.B. & M., and the place of use is within the same subdivision.

This application was protested on March 5, 1956 by Kennecott Copper Corporation on the grounds that the granting of this application would impair the value of existing and valid water rights.

A protest was also filed on February 10, 1956 by C-B Land and Cattle Company claiming a vested right on the source and that the granting of said application would impair the value of this vested right, and also, that the source lies on patented land controlled by the protestant.

A field investigation was held in this matter on May 12, 1965.

Opinion:

On September 15, 1964 correspondence was forwarded to Mr. Dan Clark at his last known address requesting the applicant to notify the State Engineer's Office of his intentions to pursue this application. As of the date of this ruling no response has been received. On April 26, 1965, a notice was sent to the applicant via certified mail informing him of the scheduled field investigation to be held on May 12, 1965. The notice was returned to the State Engineer's Office marked "Moved, left no address." It is the responsibility of the applicant to keep the State Engineer's Office informed of any change in address.

Information reported during the field investigation and correspondence received from the Bureau of Land Management indicates that Dan Clark no longer has any interest in the area. The patented lands on which the point of diversion

and place of use lie are now under the control of Copper Sheep Co.

RULING

Application 16786 is denied on the grounds that the applicant has not indicated or expressed interest in the proposed appropriation, therefore granting application 16786 would be detrimental to the public welfare.

Respectfully submitted,

GEORGE W. HENNEN
State Engineer

BY:


Roland D. Westergard
Assistant State Engineer

Dated this 10th day of

June, 1965.

RDW:PGM:ns