

IN THE MATTER OF PERMIT 10423 )  
AND APPLICATION 15862, FILED )  
FOR THE WATERS OF WEST QUEEN )  
CANYON, MINERAL COUNTY, NEVADA)

R U L I N G

General:

110  
Application 10423 was filed on September 10, 1939 by L. R. Jones for 0.025 c.f.s. of the waters of West Queen Canyon, to be diverted within the SE $\frac{1}{4}$  SW $\frac{1}{4}$  Sec. 16, T. 1 N., R. 32 E., M.D.B. & M., and to be used for the irrigation of 10 acres of land within the NE $\frac{1}{4}$  NW $\frac{1}{4}$  Sec. 21, T. 1 N., R. 32 E., and domestic purposes. A permit was granted under this application on May 24, 1940. Proofs of Commencement and Completion of Work were filed December 16, 1940. The Proof of Beneficial Use was filed under this permit January 24, 1956, and the permittee claimed the irrigation of 6 1/3 acres of land within the NE $\frac{1}{4}$  NW $\frac{1}{4}$  Sec. 21, T. 1 N., R. 32 E., and domestic purposes.

Application 15682 was filed on November 26, 1954 to change the point of diversion and place of use of the waters heretofore appropriated under Permit 10423. The applicant proposes to divert 0.025 c.f.s. of the waters of West Queen Canyon within the NW $\frac{1}{4}$  SW $\frac{1}{4}$  Sec. 16, T. 1 N., R. 32 E., to be used for the irrigation of 10 acres of land within the NE $\frac{1}{4}$  SW $\frac{1}{4}$  Sec. 16, T. 1 N., R. 32 E. This application was protested on April 19, 1956 by Wales G. Bramlette, on the grounds:

"that the land upon which it is proposed to use the water is patented land owned by me."

An investigation in the matter of this application was made on September 3, 1964.

There was no evidence of there ever having been a dam or ditch to take water to the land claimed to have been cultivated, as shown on the cultural map submitted with the Proof of Beneficial Use. There was no evidence that at any time any of the land shown on the cultural map had ever been irrigated. Efforts to contact Mr. L. R. Jones have been unsuccessful and letters have been returned marked, unknown, unclaimed, insufficient address.

Opinion:

Evidence in the field does not support Proof of Beneficial Use and Supporting Cultural Map filed under Permit 10423. Mr. Jones has made no contact with this office since the filing of Proof of Beneficial Use and has not kept the office informed of his present address, and has shown no interest in this appropriation.

Ruling:

Permit 10423 is herewith cancelled on the grounds that the evidence in the field does not support the Proof of Beneficial Use and Supporting Cultural Map. Application 15862 is herewith denied on the grounds that no water right exists under Permit 10423, which can be changed.

Respectfully submitted,

  
Roland D. Westergard  
Assistant State Engineer

Dated this 6th day of  
May 1966.

RDW:TJS:kd