

IN THE MATTER OF APPLICATION NO. 23104)
FILED APRIL 22, 1966, BY THE WABASH)
MINES CORPORATION TO APPROPRIATE)
WATER FROM AN UNDERGROUND SOURCE IN)
PERSHING COUNTY, NEVADA)

R U L I N G

GENERAL:

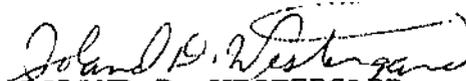
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Application No. 23104 was filed on April 22, 1966, by the Wabash Mines Corporation for permission to appropriate 5.0 c.f.s. of water from an underground source for mining and milling purposes. The point of diversion is described as being within the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 35, T. 29 N., R. 34 E., M.D.B. & M. The place of use is described as being within Section 35, T. 29 N., R. 34 E., M.D.B. & M.

Application No. 23104 was protested by Theodore Berry on September 30, 1966. A field investigation in the matter of the protest to Application No. 23104 was conducted on July 10, 1967, by B. J. Vasey, Division of Water Resources, and the results are reported in Field Investigation No. 296. The protest to Application No. 23104 was overruled by Ruling No. 994 dated July 11, 1967. Proper notice for permit fees was forwarded by certified mail to Wabash Mines, P. O. Box 634, Lovelock, Nevada; to Millard-Spink Associates, Inc., Reno, Nevada and to Joseph G. Brandt, Lovelock, Nevada. The certified mail addressed to Wabash Mines and Joseph G. Brandt was returned unclaimed to the office of the State Engineer. A second notice for permit fees was forwarded by certified mail to Wabash Mines, P. O. Box 634, Reno, Nevada and to Joseph G. Brandt, Lovelock, Nevada. The certified mail addressed to Wabash Mines was again returned unclaimed. A certified mail return receipt card was received in the office of the State Engineer from J. Brandt on August 14, 1967.

RULING:

Application No. 23104 is herewith denied on the grounds that the applicant has failed to submit the statutory permit fees as provided by NRS 533.435 after proper notice.

Respectfully submitted,


ROLAND D. WESTERGARD
State Engineer

RDW:WJN:jw

Dated this 15th day
of September, 1967