

IN THE MATTER OF APPLICATION 5445)
FILED BY A. G. BIRCH TO APPROPRIATE)
WATER FROM CREEK NO. 2, WITHIN)
ELKO COUNTY, NEVADA.)

R U L I N G

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Application 5445 was filed on April 7, 1919, by A. G. Birch for 12.0 c.f.s. of water for electrical power and domestic purposes. The proposed source is Creek No. 2, otherwise known as Stoddard Creek. The proposed source and point of diversion is described as being within the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 1, T.31N., R.57E., M.D.B.&M. The works are described as being within the SE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 10, T.31N., R.57E., M.D.B.&M.

A letter was sent by this office under certified mail to the applicant on August 7, 1968, requesting additional information necessary before action could be taken on this application. The letter was returned by the Post Office Department stamped: "Unclaimed" and "Deceased." It is the responsibility of the applicant or his successors in interest to keep this office informed of a current mailing address.

RULING

Application 5445 is herewith denied on the grounds that the applicant or his successors in interest failed to submit the information requested, and the approval of this application without the information requested would be detrimental to the public interest.

Respectfully submitted,


ROLAND D. WESTERGARD
State Engineer

RDW:RED:jw

Dated this 16th day of
September, 1968.