

IN THE MATTER OF APPLICATION 23806 FILED)  
BY WAYNE A. YATES ON APRIL 14, 1967, TO )  
APPROPRIATE 5.4 CFS OF WATER FROM AN )  
UNDERGROUND SOURCE IN LANDER COUNTY, )  
NEVADA. )

RULING

GENERAL:

36  
Application 23806 was filed on April 14, 1967, to appropriate 5.4 cfs of water from an underground source for irrigation and domestic purposes. The proposed point of diversion is located in the SE $\frac{1}{4}$ SW $\frac{1}{4}$  Section 1, T25N., R42E., MDB&M., or at a point from which the S $\frac{1}{4}$  corner of said Section 1, bears S. 81°47' E., a distance of 819.5 feet. The proposed place of use is described as the SW $\frac{1}{4}$  and Lots 7 & 8 of Section 1, T25N., R42E., MDB&M., and S $\frac{1}{2}$ SE $\frac{1}{4}$  Section 36, T26N., R42E., MDB&M. Application 23806 was filed in support of Desert Land Entry Nev. 058784 and was ready for consideration for issuance of a permit on July 28, 1968.

In a letter dated Sept 26, 1967, the applicant formally requested a delay of one year by the State Engineer in taking action on the application for the reason that a request to the Bureau of Land Management for one year extension of time in filing final Proof had been rejected; and that he had appealed this action. The applicant also stated that in the event that the appeal was rejected, he planned to petition the Bureau of Land Management to have the land put up for public sale.

The applicant's request for delay in taking action was approved and he was advised by letter dated October 6, 1967, that the Office of the State Engineer should be advised prior to July 28, 1968, if further delay was required.

The Bureau of Land Management advised this office on December 13, 1967, that Desert Land Entry Nev. 058784 in the name of Wayne A. Yates, the applicant, was cancelled and closed on the records of the Bureau of Land Management on December 13, 1967. This action was confirmed by letter dated July 8, 1968, from the Bureau of Land Management to the Office of the State Engineer.

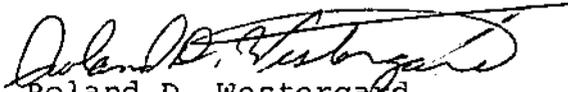
On July 12, 1968, the applicant was requested as to his interest in pursuing this application. No reply has been received as of August 28, 1968.

RULING:

Application 23806 is herewith denied on the grounds that the applicant does not own or control the land on which the applicant

plans to place the water to beneficial use and that the granting of this application would be detrimental to the public welfare.

Respectfully submitted,

  
Roland D. Westergaard  
State Engineer

RDW:JCP:dc

Dated this 8th day  
of October, 1968.