

IN THE MATTER OF APPLICATION 4542 )  
FILED BY F. V. BURNER TO APPROPRIATE )  
WATER FROM LEE CREEK IN ELKO COUNTY, )  
NEVADA. )

R U L I N G

GENERAL

Application 4542 was filed on August 18, 1917, by F. V. Burner to appropriate 1.0 c.f.s. of water from Lee Creek for irrigation (80 acres) purposes from April 15th to August 15th of each year. The point of diversion is described as within the NE $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 3, T. 31 N., R. 57 E., M.D.B.&M. The place of use is described as about fifty acres in the N $\frac{1}{2}$  NW $\frac{1}{4}$  of Section 8 and about thirty acres in the NE $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 6, all in T. 31 N., R. 57 E., M.D.B.&M. Protest to the granting of Application 4542 was filed on October 1, 1917, by X. B. Martin and Clark E. Drown.

A letter was sent to the applicant on September 23, 1968, by certified mail requesting additional information necessary before further action could be taken on Application 4542. The certified mail return receipt was received in this office on September 26, 1968.

RULING

Application 4542 is herewith denied on the grounds that the applicant or his successors in interest failed to submit additional information and approval of this application without the information requested would be detrimental to the public welfare.

Respectfully submitted,

  
ROLAND D. WESTERGARD  
State Engineer

RDW:WJN:jw

Dated this 16th day  
of January, 1969