

IN THE MATTER OF APPLICATION 8450)
FILED BY A. V. HELLER FOR PERMISSION)
TO APPROPRIATE WATER FROM BLACK)
MOUNTAIN SPRING IN WASHOE COUNTY,)
NEVADA.)

R U L I N G

GENERAL:

Application 8450 was filed by A. V. Heller on February 9, 1928, for permission to appropriate 0.025 c.f.s. of water from Black Mountain Spring for stockwatering purposes. The proposed point of diversion and place of use is described as within the SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 28, T.34N., R.20E., M.D.B.&M.

A protest was filed under this application by Gerlach and Waltz on July 18, 1928.

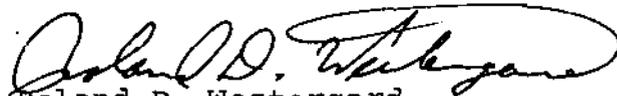
Evidence in the file indicates that Mr. John Espil is the owner of range rights formerly owned by A. V. Heller. A letter was sent to Mr. Espil on August 1, 1969, informing him that if he was intested in pursuing this application, it would be necessary to submit documents bringing title into his name and submit notice to this office of his continuing interest in this application.

A letter dated April 7, 1970, was sent to Mr. Espil by certified mail requesting additional information and requesting documents be submitted completing the chain of title for this application. A return receipt signed by Joyce Espil was received in this office on April 7, 1970. No reply has been received to this letter. A letter was sent to the applicant by certified mail on May 6, 1970, requesting additional information necessary before a permit could be issued under this application. This letter was returned by Mrs. A. V. Heller with the following note added to the bottom of said letter: "Please refer these filings to Mr. John Espil."

RULING

Application No. 8450 is herewith denied on the grounds that the applicant and the present owner failed to submit the required information necessary before a permit could be issued under this application.

Respectfully submitted,


Roland D. Westergard
State Engineer

RDW:RRD:jw

Dated this 12th day

June, 1970.