

IN THE MATTER OF APPLICATION)
16285 FILED BY COMMUNITY MINING)
COMPANY FOR PERMISSION TO)
APPROPRIATE WATER FROM AN)
UNNAMED SPRING IN ELKO COUNTY,)
NEVADA)

R U L I N G

GENERAL:

Application 16285 was filed by Community Mining Company on March 25, 1955, for permission to appropriate 1.0 c.f.s. of water from an unnamed spring for mining, milling and domestic purposes. The proposed point of diversion is described as within the SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 20, T.38N., R.48E., M.D.B.&M. The proposed places of use are described as E $\frac{1}{2}$ NE $\frac{1}{4}$ Section 19 and W $\frac{1}{2}$ NW $\frac{1}{4}$ Section 20, T.38N., R.48E., M.D.B.&M.

This application was ready for action October 27, 1956. However, no action was taken at that time. A letter was forwarded to the owner of record on January 21, 1970, by certified mail requesting additional information necessary before a permit could be issued under this application. A return receipt signed by Ross P. Eardley was received in this office on January 28, 1970. No reply to this letter was received. A letter was forwarded to the Elko County Assessor on April 11, 1973, requesting information regarding the land covered under this application. The Assessor's reply, dated April 11, 1973, stated that this property is assessed to The 25 Corporation, Inc.

A letter was forwarded to the assessed owner by certified mail on April 19, 1973. A return receipt signed by Bill Dans was received in this office April 26, 1973. Their reply, dated May 1, 1973, stated that the Community Mining Company never held title to the land under this application and that it would be impossible to complete the chain of title from the owner of record to the assessed owner. They further stated that because of the use applied for under this application and any use The 25 Corporation might make of the water, they were not interested in attempting to complete the chain of title but would submit a new application in their name for stock watering purposes for this source.

RULING:

Application 16258 is herewith denied on the grounds that the owner of record or their successors in interest failed to

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submit the requested information and the granting of the permit without said information would be detrimental to the public welfare.

Respectfully submitted,


Roland D. Westergard
State Engineer

RDW:RRD:cm

Dated this 10th day
of May, 1973.