

IN THE MATTER OF APPLICATION )  
4940, TO APPROPRIATE THE WATERS )  
OF SOUTH FORK OWYHEE RIVER IN )  
ELKO COUNTY, NEVADA. )

R U L I N G

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GENERAL:

Application 4940 was filed on February 27, 1918, by Roy L. Primeaux for permission to appropriate 120 c.f.s. of the waters of the South Fork Owyhee River, for power purposes. The proposed point of diversion is in the SE $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 16, T.45N., R.49E., M.D.B. & M. The point of return of water to the stream is in the NE $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 16, T.45N., R.49E., M.D.B. & M.

A letter was forwarded to the owner of record on March 19, 1974, by certified mail, requesting additional information necessary before action could be taken on this application. A return receipt card signed by Antonio Primeaux was received in this office on March 25, 1974. To date no reply has been received.

RULING

Application 4940 is herewith denied on the grounds that the applicant or his successors in interest failed to submit the requested information, including an intent to place the water to be appropriated to a beneficial use, necessary before action could be taken on this application.

Respectfully submitted,

  
Roland D. Westergard  
State Engineer

Dated this 3rd day  
of May, 1974.

RDW/BLR/bs

