

IN THE MATTER OF APPLICATION 27444)
FILED BY CLIFFORD L. COOK IN LYON)
COUNTY, NEVADA.)

R U L I N G

103

GENERAL:

Application 27444 was filed May 1, 1973, by Clifford L. Cook to appropriate 2.0 c.f.s. of water from Gold Canyon Spring located within the SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 16, T.16N.,R.21E. The water was to be used for mining, milling, and domestic purposes within the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 15, E $\frac{1}{2}$ SE $\frac{1}{4}$ Section 16, N $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$ Section 22, T.16N.,R.21E., M.D.B.&M.

A protest to the granting of Application 27444 was filed June 13, 1973, by Ray Walmsley on the grounds that: "The water is still being used by the heirs and descendants of Z. A. Walmsley and are being used beneficially."

An investigation in the matter of Application 27444 was subsequently scheduled to be conducted on February 7, 1974. However, by a telephone call of February 7, 1974, the applicant requested that the scheduled investigation be cancelled and that Application 27444 be withdrawn for the reason that the applicant no longer owned or controlled the place of use. All interested parties were then contacted to notify them that the scheduled field investigation had been cancelled.

By letter of Feb.12,1974, it was requested that the applicant submit a completed withdrawal form to withdraw Application 27444. No reply to this letter was received, and by certified letter of April 2, 1974, the applicant was again requested to submit a completed withdrawal. This certified letter was returned on May 9, 1974, marked "Unclaimed." In addition, the Lyon County Assessor was requested to inform this office of the present owner of record of the place of use under Application 27444. By reply of June 19, 1974, the Assessor indicated that the place of use was presently under the ownership of George A. Rose, a portion, and Margaret W. Ligon et al, a portion.

RULING

Application 27444 is herewith denied on the grounds that the applicant indicated that he wished to have the application withdrawn and on the grounds that the applicant does not own or control the place of use.

Respectfully submitted,


Roland D. Westergard
State Engineer

RDW:BAR:jw

Dated this 11th day of
July, 1974.