IN THE MATTER OF APPLICATION NO. 14428 FILED BY C. A. BLAIR ON JULY 15, 1952 TO CHANGE THE POINT OF DIVERSION AND PLACE OF USE OF THE WATERS OF HOT CREEK, NYE COUNTY, NEVADA, HERETOFORE APPROPRIATED UNDER APPLICATION NO. 5320 AND WHICH WAS PROTESTED BY SOPHIA C. COCHRAN, ET AL, ON NOVEMBER 1, 1952. : RULING

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FINDINGS

Application No. 14428 was filed to establish the true description of the point of diversion of the waters of Hot Creek appropriated under Application No. 5320. Upon submission to the State Engineer of the map in support of the Proof of Beneficial Use under Application 5320, it was discovered that the actual point of diversion did not conform with the diversion point granted in the original permit. Before a Certificate of Water Right could be granted it was necessary to have an accurate record established. The only recognized method of doing this was by submission of an application to change. Application No. 14428 was filed at the suggestion of this office to show the true condition.

OPINION

It is the opinion of the State Engineer that since no physical change in the point of diversion or place of use is to be made, or no additional right is being acquired, the protest of Sophia C. Cochran, et al, cannot be considered.

RULING

The protest is overruled and a permit will be issued with the understanding that all proofs, together with the cultural map, must be filed within three months of the date of issuing the permit.

Respectfully submitted,

HUGH A. SHAMBERGER
State Engineer

Jan. 20, 1953.

By Edmund Muth
EDMUND MUTH - Assistant State Engineer