

IN THE MATTER OF APPLICATION 5484 FILED)
BY JOHN G. TAYLOR TO APPROPRIATE WATER)
FROM ROCKY OR O'NEAL CANYON IN PERSHING)
COUNTY, NEVADA.)

R U L I N G

GENERAL:

Application 5484 was filed on May 3, 1919, to change the point of diversion and place of use of .4 cfs of the waters of Rocky or O'Neal Canyon heretofore appropriated under Proof of Appropriation 01612.

75A

The proposed point of diversion is within the $SE\frac{1}{4}NW\frac{1}{4}$ Section 3, T. 29 N., R. 33 E., M.D.B.&M., and the proposed place of use is 40 acres within the $SE\frac{1}{4}NW\frac{1}{4}$ Section 3, T. 29 N., R. 33 E., M.D.B.&M., and $W\frac{1}{2}SE\frac{1}{4}$, $W\frac{1}{2}SW\frac{1}{4}$ Section 28, T. 30 N., R. 33 E., M.D.B.&M.

The existing point of diversion is within the $SE\frac{1}{4}NW\frac{1}{4}$ Section 3, T. 29 N., R. 33 E., M.D.B.&M., and the existing place of use are within the $SE\frac{1}{4}NW\frac{1}{4}$ Section 3, $S\frac{1}{2}NW\frac{1}{4}N\frac{1}{2}SW\frac{1}{4}$ Section 4, T. 29 N., R. 33 E., M.D.B.&M.

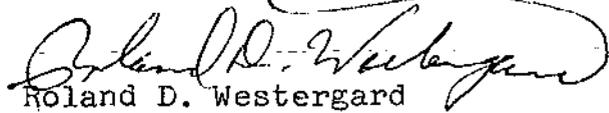
A protest to the above application was filed by John T. Funston on June 9, 1919, on the grounds that the protestant had fully appropriated the waters of Rocky or O'Neal Canyon under Application 5080 and that waters of Rocky or O'Neal Canyon were in the possession of the protestant.

The decision of the court in the case of Taylor vs. Funston was that the parole agreement whereby Taylor secured the waters of Rocky or O'Neal Canyon is a valid and binding agreement.

RULING

The protest of John T. Funston to the granting of a permit under Application 5484 is hereby overruled on the grounds that the protestant has no interest in the waters of Rocky or O'Neal Canyon as evidenced by the court decision in the case of Taylor vs. Funston.

Respectfully submitted,


Roland D. Westergard
State Engineer

RDW:KAR:jb

Dated This 26th Day
of June, 1969.