

IN THE MATTER OF APPLICATION 17258)
FILED BY IVER NIELSEN, K. M. HAMER,)
SAM JOHNSON AND CARL MILLER FOR)
PERMISSION TO CHANGE THE POINT OF)
DIVERSION AND PLACE OF USE OF DECREED)
WATERS FROM EAST WALKER RIVER IN LYON)
COUNTY, NEVADA)

R U L I N G

GENERAL:

Application 17258 was filed by Iver Nielsen, K. M. Hamer, Sam Johnson and Carl Miller on May 6, 1957 for permission to change the point of diversion and place of use of 10 c.f.s. of water under Walker River Decree In Equity C-125 in the District Court of the United States of America in and for the District of Nevada. The proposed point of diversion is described as within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 30, T. 12 N., R. 26 E. The existing point of diversion is described as SW $\frac{1}{4}$ SW $\frac{1}{4}$ said Section 30. The proposed place of use is described as 700 acres within the E $\frac{1}{2}$ SE $\frac{1}{4}$ Section 22, NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 27, N $\frac{1}{2}$ N $\frac{1}{2}$ and S $\frac{1}{2}$ NE $\frac{1}{4}$ Section 26, S $\frac{1}{2}$ of the NW $\frac{1}{4}$, SW $\frac{1}{4}$ of the NE $\frac{1}{4}$, N $\frac{1}{2}$ S $\frac{1}{2}$ and S $\frac{1}{2}$ SE $\frac{1}{4}$ Section 25, T. 12 N., R. 25 E.; W $\frac{1}{2}$ SW $\frac{1}{4}$ Section 30, NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 31, T. 12 N., R. 26 E., M.D.B.&M. The existing place of use is described as 700 acres within SE $\frac{1}{4}$ Section 22, SE $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ and N $\frac{1}{2}$ SW $\frac{1}{4}$ Section 25, NE $\frac{1}{4}$ and N $\frac{1}{2}$ NW $\frac{1}{4}$ Section 26, N $\frac{1}{2}$ NE $\frac{1}{4}$ Section 27 all in T. 12 N., R. 25 E., M.D.B.&M.

A permit was issued under this application August 6, 1958 for 7.6 c.f.s. for stockwatering, irrigation and domestic purposes. The Proof of Beneficial Use was filed February 18, 1964. Said Proof stated that the water was being used on the decreed place of use; not covered under this permit. A notice was sent to the applicants on February 4, 1965 informing them that it would be necessary to file an application to change the point of diversion only, if they desired to use the water on the land claimed on the Proof of Beneficial Use. No reply was received to this letter. Letters were sent by certified mail to the permittees on February 26, 1970, including a copy of the 1965 letter, giving them 30 days in which to notify this office of their intention regarding this permit. No replies have been received to these letters.

RULING

Permit 17258 is herewith cancelled on the grounds that the water was not beneficially used on the ground covered under this permit.

Respectfully submitted,


Roland D. Westergard
State Engineer

RDW:RRD:jls

Dated this 27th day
of March, 1970.