

IN THE MATTER OF APPLICATION 25881)
FILED TO CHANGE THE POINT OF DIVER-))
SION OF PERMIT 21581 BY DUNCAN &)
MICHIELS FROM AN UNDERGROUND SOURCE))
IN PERSHING COUNTY, NEVADA.)

R U L I N G

GENERAL:

Application 25881 was filed by Duncan & Michiels on December 4, 1970 for permission to change the point of diversion of 8.0 c.f.s. of water heretofore appropriated under Permit 21581 from an underground source. The new point of diversion is located within the NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 4 T.30 N., R. 35 E., M.D.B.&M. The existing point of diversion is located within the NE $\frac{1}{4}$ SW $\frac{1}{4}$ said Section 4. The place of use is S $\frac{1}{2}$ Section 4, N $\frac{1}{2}$ Section 10, N $\frac{1}{2}$ NW $\frac{1}{4}$ Section 9, all in T.30 N., R. 35 E., M.D.B.&M.

Application 25663 was filed by Duncan & Michiels on June 15, 1970, to change the point of diversion of 8.0 c.f.s. of water heretofore appropriated under Permit 21581 from an underground source. The point of diversion and place of use are the same as Application 25881. A permit was granted under this application on July 9, 1971.

Application 21581 was filed by Duncan & Michiels on October 14, 1963 for permission to appropriate 8.0 c.f.s. of water from an underground source for irrigation of 720 acres. The proposed point of diversion is described as within the NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 4, T. 30 N., R. 35 E., M.D.B.&M. The place of use is described as S $\frac{1}{2}$ Section 4, N $\frac{1}{2}$ Section 10, N $\frac{1}{2}$ NW $\frac{1}{4}$ Section 9, all in T. 30 N., R. 35 E., M.D.B. &M. A permit was issued under this application on July 22, 1964 for 8.0 c.f.s. of water.

Application 25663 was ready for action April 19, 1971, and Application 25881 was ready for action March 22, 1971. A permit was issued under Application 25663 on July 9, 1971 to change the point of diversion of 8.0 c.f.s. of water heretofore appropriated under permit 21581.

RULING

Application 25881 is herewith denied on the grounds that a permit has been previously granted under Application 25663, changing the point of diversion of 8.0 c.f.s. of water, under permit 21581.

Respectfully submitted


Roland D. Westergard
State Engineer

RDW: PGM: jn

Dated this 6th day of
August, 1971