

IN THE MATTER OF APPLICATION)
28791 TO CHANGE THE WATERS)
OF THE MUDDY RIVER IN CLARK)
COUNTY, NEVADA)

R U L I N G

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Application 28791 was filed on October 11, 1974 by the Muddy Valley Irrigation Company to change the point of diversion, manner and place of use of 3.0 c.f.s., a portion of the water appropriated under Permit 21876, Certificate 8328. A proposed point of diversion under Application 28791 is to be made from the Baldwin Channel Springs area within the SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 16, T.14S., R.65E., M.D.B.&M. The existing point of diversion under Permit 21876 is from the Muddy River located within the NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 21, T.15S., R.67E., M.D.B.&M.

It is proposed to change the manner of use from irrigation and domestic to municipal and domestic.

The proposed place of use consists of that area along the proposed pipeline in T.14S., R.65 and 66 E., T.15S., R.66, 67 and 68 E. and T.16S., R.67 and 68 E. and will supply the communities of Glendale, Logandale and Overton as well as intermediate points.

This application was protested on February 6, 1975 by Summa Corporation on the grounds that its granting would adversely affect the water rights on the protestant; that the granting of the application to change the point of diversion would permit the applicant to take an excess amount of water from sources of the waters of the protestant.

The proposed point of diversion located in the Baldwin Channel Springs area is on a source of water from which there are no recognized points of diversion until the flow reaches a point where all the waters of the Muddy River Spring areas have combined together and form what is known as the Muddy River. None of the protestant's points of diversion are located on the Baldwin Channel Springs area.

OPINION:

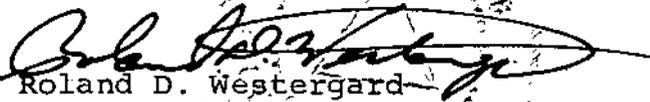
It is our opinion that the granting of this application will not tend to impair the value of existing rights or be otherwise detrimental to the public welfare.

Ruling
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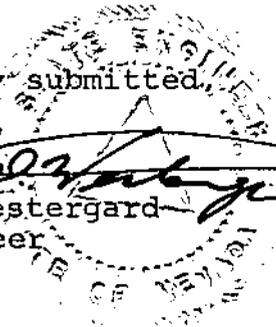
RULING:

A protest to the granting to the Application 28791 is hereby overruled and a permit will be granted under Application 28791.

Respectfully submitted,



Roland D. Westergard
State Engineer



RDW/TJS/lk

Dated this 13th day
of February, 1975.