

IN THE MATTER OF APPLICATION 28346)
FILED BY JOHN A. MCKENZIE TO APPRO-)
PRIATE WATER FROM AN UNDERGROUND)
SOURCE IN LYON COUNTY, NEVADA.)

R U L I N G

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GENERAL:

Application 28346 was filed by John A. McKenzie on May 23, 1974, for permission to appropriate 3.0 c.f.s. of water from an underground source for irrigation and domestic purposes. The proposed point of diversion is within the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 35, T.14N., R.26E., M.D.B.&M. The place of use is 80 acres within the E $\frac{1}{2}$ NE $\frac{1}{4}$, Section 35, T.14N., R.26E., M.D.B.&M. This application was ready for action on August 26, 1974.

The proposed place of use under subject application has an existing water right under different ownership, covering a portion of the proposed place of use. Permit 26773, of record in the name of Bob Bowen, was issued for 0.5 c.f.s. of water for irrigation (9 acres) and domestic purposes. The point of diversion and place of use are described as within the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 35. This point of diversion is located approximately 330 feet from the proposed point of diversion under Application 28346.

A letter was forwarded to the applicant by certified mail on August 27, 1974, requesting that the applicant show ownership or control of the acreage under the permit and covered by this application. The applicant was given a thirty day period in which to submit the requested information.

A letter was sent to the Lyon County Assessor October 25, 1974 requesting the owner of record of the E $\frac{1}{2}$ of the NE $\frac{1}{4}$ Section 35, T.14N., R.26E., M.D.B.&M. The reply was received November 4, 1974 indicating that this land had been subdivided and all the parcels sold with the exception of the S $\frac{1}{2}$ of Parcel 15, Parcel 16 and the well lot were still owned by John and Marguerite McKenzie.

On September 17, 1975 a letter was sent to John A. McKenzie, certified mail, indicating that the point of diversion was within 330 \pm feet of an existing Permit No. 26773 owned by Bob Bowen. A form for withdrawal of this application was enclosed. To date an answer has not been received.

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RULING:

Application 28346 is herewith denied on the grounds that the granting of this application would adversely affect the prior and existing rights under Permit 26773.

Respectfully submitted,


Roland D. Westergard
State Engineer

RDW/lk

Dated this 29th day of
October, 1975.