

IN THE MATTER OF APPLICATION 29342)  
TO CHANGE THE POINT OF DIVERSION )  
AND PLACE OF USE OF A PORTION OF )  
PROOF 00127 OF THE HUMBOLDT RIVER )  
DECREE ON THE HUMBOLDT RIVER IN )  
HUMBOLDT COUNTY, NEVADA. )

R U L I N G

GENERAL:

Application 29342 was filed on April 14, 1975 in the name of Albert C. and Dolores Jones for permission to change the point of diversion and place of use of 0.0367 c.f.s. and 5.493 acre feet, a portion of Proof 00127 of the Humboldt River Decree. The proposed point of diversion is within the NW $\frac{1}{4}$  NE $\frac{1}{4}$  Section 30, T.36N., R.38E., M.D.B.&M., and the water is to be used for irrigation purposes on 4.5 acres within the N $\frac{1}{2}$  NE $\frac{1}{4}$  Section 30, T.36N., R.38E., which is within the Town of Winnemucca.

The proposed place of use is separated from the Humboldt River by a newly constructed portion of Interstate 80, and due to concern about the ability to divert water from the river to the place of use as described by the application, a field investigation into this matter was conducted on November 12, 1975. The investigation and subsequent correspondence with the present owner of the proposed place of use confirmed that water cannot be diverted to the place of use from the Humboldt River and that it is not the intent of the owner of the place of use to do so.

RULING:

Application 29342 is hereby denied on the grounds that the water cannot be diverted for beneficial use as described by the application, and that the granting of this application would be detrimental to the public interest and to the orderly distribution of the waters of the Humboldt River.

Respectfully submitted,

  
Roland D. Westergard  
State Engineer

RDW/BAR/lk

Dated this 6th day  
of April, 1976.