

IN THE MATTER OF APPLICATION 22956)
 FILED ON FEBRUARY 7, 1966 BY)
 JIMMIE AND LEONA FERRARA TO APPRO-) R U L I N G
 PRIATE THE WATERS OF BUENA VISTA)
 CREEK FOR IRRIGATION PURPOSES LOCATED)
 IN PERSHING COUNTY, NEVADA)

General:

Application 22956 was filed on February 7, 1966 by Jimmie and Leona Ferrara to appropriate 10.0 c.f.s. of water from Buena Vista Creek for irrigation and domestic purposes. The point of diversion is described as being within the NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 27, T.30 N., R.35 E., M.D.B.&M. The place of use is described as 1,280 acres within Section 27; W $\frac{1}{2}$ Section 26, and W $\frac{1}{2}$ Section 34, T.30 N., R.35 E., M.D.B.&M. The period of use is from January 1st to December 31st.

This application was protested on March 15, 1966 by Rex H. Lund and Muriel E. Lund; on March 21, 1966, by George H. and June Kyler; on March 28, 1966 by Dorothy Ernst, and on March 28, 1966 by Mrs. Sadie Ernst.

The grounds of the protests were in general, interference with vested rights and damming and tampering with the natural course of Buena Vista Creek creating property damage and also interfering with existing points of diversion.

A field investigation was held in the above matter on May 11, 1966.

Opinion:

It is our opinion from evidence in the field and from information of record in this office, that the proposed point of diversion under Application 22956 is not on the natural channel or water course of Buena Vista Creek. To grant an application to appropriate where the point of diversion is not at the described source of the proposed appropriation would be contrary to the established appropriation procedures and detrimental to the public welfare. Because Application 22956 is to be denied for this reason, no ruling is required on the protests to the application.

RULING

Application 22956 is herewith denied on the grounds that the described point of diversion is not at the source of the proposed appropriation and the granting thereof would be contrary to the established appropriation procedures and detrimental to public welfare.

Respectfully submitted,


Roland D. Westergard
Assistant State Engineer

Dated this 23rd day
of May, 1966.

RDW/PGM:ja