

IN THE MATTER OF APPLICATION 23211)
FILED BY JIMMIE AND LEONA FERRARA)
TO CHANGE POINT OF DIVERSION OF)
WATER HERETOFORE APPROPRIATED UNDER)
PERMIT 11086.)

R U L I N G

GENERAL:

Application 23211 was filed June 30, 1966, by Jimmie and Leona Ferrara to change the point of diversion of 2.0 c.f.s. of the waters of Buena Vista Creek to be diverted within the NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 25, T.30N., R.34E., M.D.B.&M., to be used for the irrigation of 200 acres located within the E $\frac{1}{2}$ Section 27, T.30N., R.35E., M.D.B.&M.

This application is to change the point of diversion of waters heretofore appropriated under Permit 11086. Permit 11086 was issued under an application filed March 15, 1944, by Fred S. and Fern L. Talcott, for 2.0 c.f.s. of the waters of Buena Vista Creek, to be diverted within NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 25, T.30N., R.34E., M.D.B.&M. The waters to be used for the irrigation of about 200 acres in the E $\frac{1}{2}$ Section 27, T.30N., R.35E., M.D.B.&M.

A protest to Application 23211 was filed September 12, 1966, by George H. and June Kyler, on the grounds that the application "Would interfere with vested rights and rights-ways."

Jimmie and Leona Ferrara are successors in interest to lands and water rights previously owned by Fred S. and Fern L. Talcott.

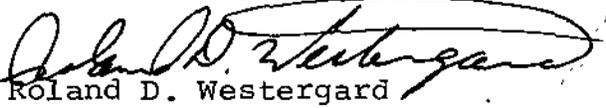
Application 23211, to change the point of diversion of Application 11086, was filed to correct an apparent error in the original tie from the existing point of diversion on Buena Vista Creek to the NE corner of Section 25, T.30N., R.34E., M.D.B.&M., under Application 11086, and therefore, does not constitute a physical change in the location of the point of diversion.

RULING

The protest to the granting of Application 23211 is herewith overruled on the grounds that the correction to be effected will not adversely affect protestants vested water rights which are senior in priority. A permit will be issued subject to existing rights on the source.

This ruling does not and the permit to be issued will not grant the right of ingress or egress or any rights of way to the applicant.

Respectfully submitted,


Roland D. Westergard
State Engineer

RDW:SH:jw

Dated this 8th day
of May, 1970.