

IN THE MATTER OF APPLICATION)
29449 FILED ON JUNE 16, 1975,)
BY RAINBOW MILLING CO. TO CHANGE)
THE PLACE OF USE OF WATER FROM)
O'HARA SPRING HERETOFORE APPLIED)
FOR UNDER APPLICATION 28908 IN)
ESMERALDA COUNTY, NEVADA.)

R U L I N G

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GENERAL:

Application 29449 was filed on June 16, 1975 by Rainbow Milling Co. to change the place of use of Application 28908 in the amount of 0.5 c.f.s. from O'Hara Spring for domestic and milling purposes. The proposed place of use is described as within portions of Sections 33 and 34, T.6S., R.40E., and within portions of Sections 3, 4, 5, 10, 11, 14 and 15, T.7S., R.40E., M.D.B. & M. The period of use is to be from January 1st to December 31st of each year.

Application 28908 in the name of Rainbow Milling Co., applies for 0.5 c.f.s. of water from O'Hara Spring for domestic and milling purposes. The place of use is described as within the SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 3, T.7S., R.40E., M.D.B. & M. The period of use is to be from January 1st to December 31st of each year. This application was denied on the grounds that the source (O'Hara Spring) was not a natural source but part of the distribution system under Certificate No. 1129, subject of Permit 6984.

RULING:

Application 29449 to change the place of use of Application 28908 is herewith denied on the grounds that Application 28908, proposed to be changed, was denied, leaving no water right available to be changed by Application 29449.

Respectfully submitted,


Roland D. Westergard
State Engineer

RDW/TFH/bs

Dated this 19th day
of January, 1976.