

IN THE MATTER OF APPLICATION 30792 )  
FILED TO CHANGE THE POINT OF DIVER- )  
SION OF WATERS HERETOFORE APPRO- )  
PRIATED UNDER PERMIT 19969, CERTI- )  
FICATE 6856. )

R U L I N G

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GENERAL:

Application 30792 was filed on November 3, 1976 by Joseph L. and Ellen M. Rand for permission to change the point of diversion of 5.4 c.f.s. of water heretofore appropriated under Permit 19969, Certificate 6856. The proposed point of diversion is located in the SE $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 12, T.21N., R.53E., M.D.B. & M. The existing point of diversion is located within the SW $\frac{1}{4}$  NW $\frac{1}{4}$ , said Section 12. The water is to be used for irrigation purposes on the NW $\frac{1}{4}$  of said Section 12.

By a ruling dated August 26, 1977, the State Engineer declared that the rights to appropriate water under Permit 19969, Certificate 6856 have been forfeited because of failure for in excess of five successive years on the part of the holder of the rights to use beneficially the underground water for the purposes for which said rights were acquired.

RULING

Application 30792 is herewith denied on the grounds that the base right, Permit 19969, Certificate 6856, has been declared forfeited and is no longer a valid water right.

Respectfully submitted,

  
Roland D. Westergard  
State Engineer

RDW/BR/bl

Dated this 21st day  
of December, 1977.