

IN THE MATTER OF APPLICATION 34865 FILED)
BY JOSEPHINE DIXIE O'NEAL, TO CHANGE)
APPLICATION 32086 FOR WATER FROM AN)
UNDERGROUND SOURCE IN FISH LAKE VALLEY)
ESMERALDA COUNTY, NEVADA)

R U L I N G

GENERAL

Application 34865 was filed on January 12, 1978, by Josephine Dixie O'Neal to change the point of diversion and place of use of water heretofore applied for under Application 32086.

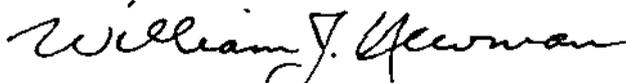
Water is to be diverted within the SW 1/4 SW 1/4 Section 24, T.4S., R.36E., M.D.B. & M. The point of diversion heretofore applied for under Application 32086 was within the SE 1/4 SE 1/4 Section 24, T.4S., R.36E., M.D.B. & M. The proposed place of use under Application 34865 is 160 acres located in the SW 1/4 Section 24, T.4S., R.36E., M.D.B. & M. The place of use heretofore applied for under Application 32086 was 160 acres located in the SE 1/4 Section 24, T.4S., R.36E., M.D.B. & M. The amount of water to be changed is 2.7 c.f.s. for irrigation and domestic purposes from January 1st to December 31st of each year. The statutory protest period under Application 34865 ended on April 16, 1979.

Application 32086 was previously denied on March 31, 1978, by State Engineer's Ruling 2329, because the appropriation of additional ground water for irrigation use from the area described in the application would tend to impair the value of existing rights and be otherwise detrimental to the public interest and welfare.

RULING

Application 34865 is hereby denied on the grounds that this application attempts to change the point of diversion and place of use of Application 32086 which was denied prior to completion of the statutory publication and protest period under the application. The application to change is mute, since there are no valid or existing rights under Application 32086 to be changed by the application.

Respectfully submitted,



William J. Newman
State Engineer

WJN/DC/jm

Dated this 2nd day

of MAY, 1979.