

IN THE MATTER OF APPLICATION NO. 17451,)
FILED BY FLYING M. RANCH (A. S. MURPHY,)
OWNER), TO CHANGE THE POINT OF DIVERSION)
AND PLACE OF USE OF WATER OF AN UNDER-)
GROUND SOURCE HERETOFORE APPROPRIATED)
UNDER APPLICATION AND PERMIT NO. 16916)

RULING

General:

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Application No. 16916 was filed on April 23, 1956 by A. S. Murphy to appropriate 8.0 c.f.s. of the waters of an underground source (Flying M. Well No. 1), at a point in SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 30, T. 9 N., R. 27 E., M.D.B.&M. Permit was issued on April 9, 1957 for 8.0 c.f.s. to irrigate 480 acres of land and for domestic purposes. Proof of commencement of work filed October 1, 1957 shows that the well was drilled to a depth of 500 feet, with 12 inch perforated casing to a depth of 450 feet, together with pumping facilities, pipes and ditches necessary to conduct the water to the place of use.

Application No. 17451 contemplates a change of the point of diversion of this water to a point in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 20, T. 9 N., R. 27 E., M.D.B.&M. and also the place of use. The contemplated point of diversion under Application No. 17451 is at a distance of about one and one half miles in a northerly direction of the existing well and it appears doubtful that the proposed point of diversion is for the same underground water source.

None of the water under Permit No. 16916 has been placed to beneficial use and, therefore, no actual appropriation of water has been made.

OPINION AND RULING

It is the opinion of the State Engineer that no water under Permit No. 16916 has been appropriated that is subject to the change contemplated in Application No. 17451, and that the granting of a permit under this application would be in effect the granting of a new right and not a change in the point of diversion of water.

Application No. 17451 is, therefore, denied on the grounds that it is contrary to the Nevada Water Laws.

Respectfully submitted,

Edmund A. Muth

EDMUND A. MUTH
State Engineer.

Dated this 13th day
of March, 1959.