

IN THE MATTER OF APPLICATION 21930)
FILED BY THOMAS H. GALLAGHER TO)
CHANGE THE POINT OF DIVERSION AND)
PLACE OF USE OF A PORTION OF THE)
WATER HERETOFORE APPROPRIATED)
UNDER PERMIT 19254)

RULING

General:

Application 21930 was filed on April 7, 1964 by Thomas H. Gallagher to change the point of diversion and place of use of a portion of the water heretofore appropriated under Permit 19254. The application desires to change a portion of the water to a new well that will be located within the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 27, T. 21 N., R. 53 E., M.D.B.&M. The existing point of diversion is within the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 27, T. 21 N., R. 53 E., M.D.B.&M. Existing place of use is within the E $\frac{1}{2}$, Sec. 27 and the proposed place of use is within the NE $\frac{1}{4}$, Sec. 27.

This application was protested on July 17, 1964 by the Ruby Hill Mining Company on the grounds that the lands to be irrigated embraces a right of way granted to the protestant by the United States through the Bureau of Land Management and covered by serial number Nev. 056230.

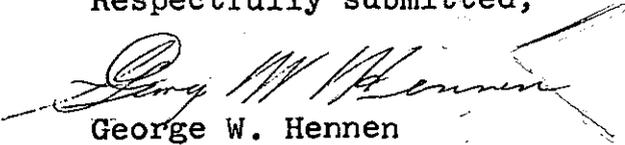
Opinion:

Since the lands covered by Application 21930 were desert lands, and the subject of D. L. E. Nev. 046872, and since this entry was allowed subject to the right of way of the Ruby Hill Mining Company, the granting of this application will not interfere with said right of way.

RULING

The alternative of the protest of the Ruby Hill Mining Company is herewith sustained and a permit will be issued subject to the right of way of the Ruby Hill Mining Company.

Respectfully submitted,


George W. Hennen
Assistant State Engineer

Dated this 26th day of
October, 1964.

GWH/TJS/wij