

IN THE MATTER OF APPLICATION 22316,)
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 )

R U L I N G

General:

Application 22316 was filed on November 5, 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 1/4 SE 1/4, Section 27, T. 21 N., R. 53 E., M.D.B.& M. The existing point of diversion is within the SW 1/4 SE 1/4, Section 27, T. 21 N., R. 53 E., M.D.B.& M. Existing place of use is within the E 1/2, Section 27 and the proposed place of use is within the SE 1/4, Section 27.

This application was protested on January 14, 1965, 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 Nevada 056230.

Opinion:

Since the lands covered by Application 22316 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
State Engineer

Dated this 29th day of
January, 1965

BY: ROLAND D. WESTERGARD
Assistant State Engineer

GWH:PGM:ns