

IN THE MATTER OF APPLICATION 34092)
TO CHANGE THE POINT OF DIVERSION AND)
PLACE OF USE OF PERMIT 28324 IN)
MASON VALLEY, LYON COUNTY, NEVADA.)

R U L I N G

GENERAL:

Application 34092 was filed on October 12, 1977 by Marvin V. and Kathleen M. Dye for permission to change the point of diversion and place of use of 4.0 c.f.s. of water heretofore appropriated under Permit 28324. Permit 28324 was issued on October 21, 1974 for 4.0 c.f.s. of water to be diverted from a point in the SE1/4 NE1/4 Section 10, T.14N., R.25E., M.D.B.&M. from which the SE corner of said Section 10 bears South 1°, 15' 48" East, 2681.62 feet. The water is to be used on 240 acres within the E1/2 NE1/4 Section 10, W1/2 NW1/4 and W1/2 SW1/4 Section 11, T.14N., R.25E., M.D.B.&M.

Application 34092 proposes to change the point of diversion to a point within the SE1/4 NE1/4 Section 10, T.14N., R.25E., or at a point from which the SE corner of said Section 10 bears South 00°, 52' 48" East, a distance of 2712.27 feet. The application proposes to change the place of use of a portion of Permit 28324 to cover 58.0 acres within the SW1/4 NE1/4, S1/2 NW1/4 NE1/4 and SE1/4 NW1/4 Section 10, T.14N., R.25E., M.D.B.&M.

By letter dated May 23, 1978 from George B. Mosley, Manager of the Walker River Irrigation District, it is determined that all of the existing place of use under Permit 28324 is covered by decreed and/or storage rights from the Walker River. The 58 acres described above under Application 34092 does not have existing surface water rights from the Walker River. To grant an application to change Permit 28324 to cover land not covered with existing water rights would constitute an expansion of acreage under the application to change.

RULING

Application 34092 will be granted subject to the following condition:

The point of diversion may be changed to the proposed location but the place of use under Permit 34092 will be limited to 240 acres within the E1/2 NE1/4 Section 10 and the W1/2 W1/2 Section 11 as previously covered under Permit 28324. No right is granted for the irrigation of any acreage in the SE1/4 NW1/4, S1/2 NW1/4 NE1/4 or SW1/4 NE1/4 Section 10, T.14N., R.25E., M.D.B.&M.

Respectfully submitted,


Roland D. Westergard
State Engineer

RDW/BLR/bl

Dated this 21st day

of JULY, 1978.