

IN THE MATTER OF APPLICATION 30991)
TO CHANGE THE POINT OF DIVERSION)
AND PLACE OF USE OF PERMIT 25495)

R U L I N G

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Application 30991 was filed by Clarvid Arthur Lewis on January 12, 1977 for permission to change the point of diversion and place of use of underground water heretofore appropriated under Permit 25495. The proposed point of diversion is to be located within the SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 8, T.14S., R.65E., M.D.B. & M., and the land to be irrigated is 120 acres within the N $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 8.

Permit 25495 was issued on July 14, 1972 to appropriate 2.4 c.f.s., of the waters of an underground source to be diverted within the SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 23, T.14S., R.65E., M.D.B. & M., and to be used for the irrigation of 120 acres of land located within portions of the S $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ Section 23, T.14S., R.65E.

Application 30991 proposed to change the point of diversion approximately 3 miles upstream to near the head waters of the Muddy River Springs.

Prior applications to appropriate groundwater near the head waters of the Muddy River Springs have been denied on the grounds that their granting would tend to impair the value of existing rights and be otherwise detrimental to the public welfare.

R U L I N G

Application 30991 to change the point of diversion and place of use of Permit 25495 is hereby denied on the grounds that its granting would tend to impair the value of existing rights and be otherwise detrimental to the public welfare.

Respectfully submitted,


Roland D. Westergard, P.E.
State Engineer

Dated this 23rd day of

October, 1978.