

IN THE MATTER OF APPLICATION NO.)
21904, TO CHANGE THE POINT OF)
DIVERSION UNDER PERMIT NO. 18983,)
BY CURTIS F. POGUE, TO APPROPRIATE)
THE WATER OF AN UNDERGROUND SOURCE))
(PENoyer VALLEY), FOR IRRIGATION)
AND DOMESTIC PURPOSES, IN LINCOLN)
COUNTY, NEVADA.)

R U L I N G 704

General:

170 Application 21904 was filed March 31, 1964, to change the point of diversion of the waters under Permit 18983. Permit No. 18983 was cancelled on May 17, 1963, because of the failure of the applicant to comply with the provisions of the permit.

Ruling:

Application 21904 is hereby denied on the grounds that Application 18983 has been cancelled and there is no water right available for the proposed change.

Respectfully submitted,

George W. Hennen
State Engineer

by


Roland D. Westergard
Assistant State Engineer

Dated this 1 day of
July, 1965.

RDW:FND:rap

IN THE MATTER OF APPLICATION)
13342 FILED ON MARCH 28, 1950,)
BY MARTIN ELICEGUI TO APPROPRIATE)
THE WATERS OF CHIMNEY SPRINGS FOR)
STOCK WATERING PURPOSES.)

R U L I N G

General:

Application 13342 was filed on March 28, 1950, by Martin Elicegui to appropriate 0.025 c.f.s. of the waters of Chimney Springs for stock watering purposes. The point of diversion is described as within the NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 14, T. 28 N., R. 66 E., M.D.B.&M., and the place of use is within the same subdivision.

This application was protested on January 18, 1951, by R. B. Walker on the grounds:

"Said water source is located on and within the range heretofore and now used by protestants which range has been used by protestants for more than twenty-five years last past for stock grazing purposes; and for the further reason that all of the water from said water source has been heretofore put to beneficial use by protestants for stock watering purposes, and for the further reason that the granting of this application would greatly impair the vested rights of protestants in the use of the range heretofore enjoyed by protestants."

On May 4, 1965, a recommendation was received from the Bureau of Land Management, Elko District office under the signature of Ivan O. Vickers stating that the proposed appropriation be rejected on the grounds that the applicant is no longer in control of either base properties or federal grazing privileges in the area.

On May 21, 1965, a letter from this office was forwarded via certified mail to Mr. Elicegui requesting additional information under Application 13342. This letter was returned on May 26, 1965, marked "Moved Left No Address." It is the responsibility of the applicant to keep the State Engineer's office informed of any change in address. As of the date of this ruling, Mr. Martin Elicegui has expressed no interest or intentions in pursuing this application.