

IN THE MATTER OF APPLICATION)
27944 FILED BY CHARLOTTE CAMPBELL)
TO CHANGE THE POINT OF DIVERSION)
OF PERMIT 5484 FROM ROCKY CANYON)
CREEK IN PERSHING COUNTY, NEVADA)

R U L I N G

73A

GENERAL:

Application 27944 was filed by Charlotte Campbell on December 5, 1973, to correct the location of the point of diversion under Permit 5484. This application proposes to change the point of diversion of 0.4 c.f.s. of water appropriated under Permit 5484 and to be used for irrigation purposes.

The proposed point of diversion is described as within the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 3, T.29N., R.33E., M.D.B.& M. The existing point of diversion was described as within the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of said Section 3. The proposed and existing place of use is described as 40 acres within the E $\frac{1}{2}$ SW $\frac{1}{4}$ and W $\frac{1}{2}$ SE $\frac{1}{4}$, Section 28, T.30N., R.33E., M.D.B.& M.

Application 5484 was filed May 13, 1919 by John G. Taylor, later assigned to Charlotte Campbell on July 19, 1956, for permission to change the point of diversion of Proof 01612, Rocky Canyon Creek. A permit was issued under this application on September 2, 1969, to change the point of diversion of 0.4 c.f.s. of water for irrigation purposes. The proposed point of diversion of Application 5484 was described as within the SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 3, T.29N., R.33E., M.D.B.& M. The existing point of diversion under Proof 01612 was described as within the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of said Section 3.

The Proof of Beneficial Use and cultural map filed under Permit 5484 showed the actual point of diversion as within the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 3. The permittee was notified of the discrepancy and Application 27944 was filed to correct said discrepancy.

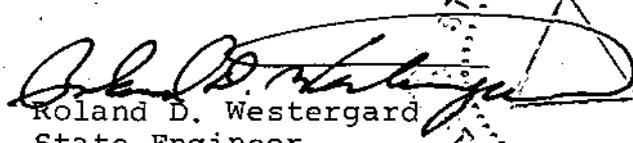
A protest was filed under Application 27944 by John M. Heizer on May 6, 1974, on the grounds that the pipeline conveying water from the point of diversion under this application to the place of use crossed land owned by Mr. Heizer. The protestant requested that the permit be granted subject to applicant obtaining a right-of-way across Mr. Heizer's property.

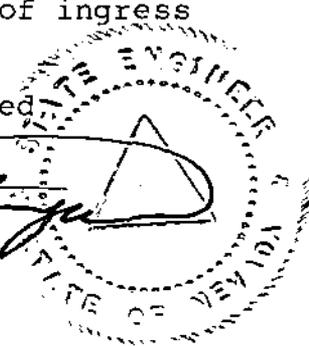
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RULING:

A permit will be issued with the provision that the granting of a permit does not grant any rights of ingress and/or egress or right-of-way.

Respectfully submitted


Roland D. Westergard
State Engineer



Dated this 3rd
day of June, 1974.

RDW/RRD/bs