

IN THE MATTER OF APPLICATION TO CHANGE)
33458 FILED BY IMPERIAL FARMS LAND AND)
CATTLE COMPANY, INC., ON THE WATERS OF)
WAMBOLDT SPRING, LINCOLN COUNTY, NEVADA)

R U L I N G

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GENERAL

Application 33458 was filed on September 1, 1977, by Imperial Farms Land and Cattle Company, Inc., to change the point of diversion and place of use of water heretofore appropriated under Permit 26641.

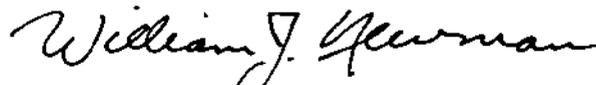
Water is to be diverted within the SE 1/4 SE 1/4 Section 14, T.9N., R.65 E., M.D.B. & M. The point of diversion heretofore allowed under Permit 26641 was within the NW 1/4 NW 1/4 Section 24, T.9N., R.65E., M.D.B. & M. The proposed place of use under Application 33458 is 0.527 acres in the SW 1/4 SW 1/4 Section 13, 0.379 acres in the SE 1/4 SE 1/4 Section 14, 2.227 acres in the NE 1/4 NE 1/4 Section 23, 6.846 acres in the NW 1/4 NW 1/4 Section 24, or a total of 9.979 acres all in T.9N., R.65E., M.D.B. & M. The place of use heretofore allowed under Permit 26641 was 40 acres located within the NW 1/4 NW 1/4 Section 24, T.9N., R.65E., M.D.B. & M. The amount of water to be changed is 1.0 c.f.s. for irrigation and domestic purposes from January 1st to December 31st of each year, as allowed under Permit 26641. The statutory protest period under Application 33458 ended on December 1, 1978.

Permit 26641 was canceled on February 28, 1978, because of failure of the applicant to file the Proof of Beneficial Use within the time limitations allowed under the terms of the permit.

RULING

Application 33458 is hereby denied on the grounds that this application attempts to change the point of diversion and place of use of Permit 26641 which was canceled prior to completion of the statutory publication and protest period under the application. The application to change is mute, since there are no valid or existing rights under Permit 26641 to be changed by the application.

Respectfully submitted,



William J. Newman
State Engineer

WJN/DC/jm

Dated this 10th day
of APRIL, 1979.