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IN THE MATTER OF APPLICATION NO. 17914
FILED ON MARCH 30, 1959, BY CONLEY DAIRY
FARMS TO APPROPRIATE 0.03 C.F.S. OF THE
WATERS OF McAFEE CREEK FOR STOCK WATER-
ING PURPOSES IN ESMERALDA COUNTY, NEVADA. }

R U L I N G

General:

The application was protested on August 6, 1959, by Ernest M. Pellkofer on grounds that the granting of the application will invade and impair existing and first rights from the same source.

A field investigation made on June 6, 1960, disclosed that the point of diversion under the application is from a private concrete ditch which conveys water to the protestant's Bar 99 Ranch.

It is the opinion of this office that the diversion will interfere with prior and existing rights in the name of Ernest M. Pellkofer under Permits 2976, 3259 and 11237.

RULING

The protest to the granting of Application 17914 is sustained, and the application is herewith denied on grounds that its granting would interfere with prior and existing rights and be detrimental to the public welfare.

Respectfully submitted,

Edmund A. Muth

EDMUND A. MUTH
State Engineer

Dated this 6th day of
September, 1961.