

IN THE OFFICE OF THE STATE ENGINEER
OF THE STATE OF NEVADA

IN THE MATTER OF APPLICATION 42433)
FILED TO APPROPRIATE THE PUBLIC)
WATERS FROM AN UNDERGROUND SOURCE)
WITHIN THE BIG SMOKY VALLEY-NORTHERN)
PART GROUNDWATER BASIN IN NYE)
COUNTY, NEVADA.)

RULING

3877

GENERAL

I.

Application 42433 was filed on September 12, 1980 by Richard L. and Margaret Carver to appropriate 10.8 cfs of water from an underground source to irrigate 1040 acres of land within the W1/2, W1/2 E1/2 Section 27; W1/2 E1/2, N1/2 NW1/4 Section 22; SE1/4 SW1/4, SW1/4 SE1/4 Section 15; NW1/4, W1/2 NE1/4 Section 34 all within T.11N., R.43E., M.D.B.&M.¹

FINDINGS OF FACT

I.

On July 25, 1991 by Ruling No. 3816 the State Engineer denied Application 42433. The denial was based on the fact that the applicant did not own or control the land intended to be irrigated since the application was on public land and the Bureau of Land Management had rejected their desert land application on those lands.

II.

Richard Carver, the applicant under Application 42433 notified the State Engineer in a letter dated August 20, 1991 that a portion of Application 42433 is on private land and further requested that the private land portion of the application be approved.¹

¹ Public record in the Office of the State Engineer under Application 42433.

III.

The State Engineer finds upon further review of the place of use of Application 42433 that 640 acres of the requested 1040 acres is on private land. The private land portion of the application consists of the following: E1/2 W1/2, W1/2 E1/2 Section 27; W1/2 E1/2, N1/2 NW1/4 Section 22; SE1/4 SW1/4, SW1/4 SE1/4 Section 15 all in T.11N., R.43E., M.D.B.&M. The State Engineer further finds that the proposed point of diversion located within the SW1/4 SE1/4 Section 27 T.11N., R.43E., M.D.B.&M., is on private land.^{1, 2}

CONCLUSIONS

I.

The State Engineer has jurisdiction over the matter described herein.³

II.

The point of diversion and a portion of the place of use of Application 42433 is on private land.

The applicant does own or control the private land portion of the application which invalidates the finding of fact which led to the denial of Application 42433 as set forth in Ruling No. 3816.

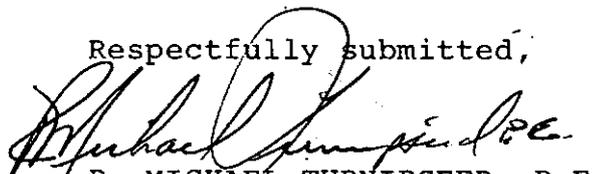
² Public record in the Office of the State Engineer, land status maps prepared by the Bureau of Land Management.

³ NRS 533 and NRS 534.

RULING

The denial of Application 42433 is hereby rescinded for that portion of the place of use which is private land. A permit will be issued for the 640 acres of private land upon payment of the permit fees.

Respectfully submitted,



R. MICHAEL TURNIPSEED, P.E.
State Engineer

RMT/CT/pm

Dated this 16th day of
March, 1992.