

IN THE MATTER OF REINSTATEMENT)
OF CANCELLED APPLICATIONS 32948)
AND 32949 IN LOWER MEADOW VALLEY)
WASH, LINCOLN COUNTY, NEVADA.)

R U L I N G

FINDINGS OF FACT

I

Application 32948 was filed on July 28, 1977 in the name of Margaret V. Gray to appropriate 2.7 c.f.s. of water from an underground source located within the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 30, T.11S., R.66E., M.D.B.&M.

The above application to appropriate water was filed under the signature of Margaret V. Gray.

Application 32949 was filed on July 28, 1977 in the name of Marjorie L. Schober to appropriate 2.7 c.f.s. of water from an underground source located within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 19, T.11S., R.66E., M.D.B.&M.

The above application to appropriate water was filed under the signature of Marjorie L. Schober.

II

In accordance with the provisions of NRS 533.355, certified notices dated December 30, 1977 were mailed to Margaret Gray and Marjorie Schrober thereby notifying the applicants that a supporting map prepared by a licensed water right surveyor was required to be filed and an amended application for both 32948 and 32949 requiring the points of diversion be described as being within a 40 acre legal subdivision and tied by bearing and distance to an established section corner. The map and corrected applications were required to be filed in the State Engineer's office within 60 days of said notice, on or before February 29, 1978 or the applications would be subject to cancellation.

III

Applications 32948 and 32949 were cancelled February 13, 1979 for failure to file a supporting map and amended applications within the statutory time limits established by the December 30, 1977 notices.

IV

It was subsequently found that an acceptable supporting map and amended applications for both 32948 and 32949 were filed on February 24, 1978 which precedes the February 29, 1978 deadline established by the notice of December 30, 1977.

CONCLUSIONS

I

The State Engineer has jurisdiction over this matter in accordance with the provisions of NRS 533.325 and 533.355.

II

The filing of the map and amended applications within the established deadline satisfies the requirements of timely filing.

RULING

The cancellations of Applications 32948 and 32949 is herewith rescinded. Applications 32948 and 32949 will proceed to publication.

Respectfully submitted,



PETER G. MORROS
State Engineer

PGM/SK/b1

Dated this 8th day of
November, 1982.

IN THE MATTER OF APPLICATIONS }
46078 AND 46079 FILED TO AP- }
PROPRIATE UNDERGROUND WATER }
IN LOWER MOAPA VALLEY, CLARK }
COUNTY, NEVADA }

RULING

INTRODUCTION

Applications 46078 and 46079 were filed to appropriate water from an underground source in the Lower Moapa Valley Ground Water Basin, Clark County, Nevada.

FINDINGS OF FACT

I

Application 46078 was filed by James A. Brennan on August 20, 1982 on August 20, 1982 to appropriate 2.5 cubic feet per second of underground water for irrigation and domestic purposes. The point of diversion is within the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 22, T15S., R67E., MDB&M, and the place of use is 80 acres in the E $\frac{1}{2}$ NE $\frac{1}{4}$ of Section 22, T15S., R67E., MDB&M.

Application 46079 was filed by Lynda M. Brennan on August 20, 1982 to appropriate 6.0 cubic feet per second of underground water for irrigation and domestic purposes. The point of diversion is within the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 15, T15S., R67E., MDB&M, and the place of use is 320 acres within the W $\frac{1}{2}$ NW $\frac{1}{4}$ Section 14, T15S., R67E and the NE $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$ of Section 15, T15S., R67E., MDB&M.

II

The State Engineer designated the Lower Moapa Ground Water Basin as provided under NRS 534.010 to 534.190, inclusive by Order No. 798 dated September 16, 1982.

III

The following applications requesting appropriation of the underground waters of Lower Moapa Valley for irrigation purposes for the reclamation of lands under the Carey Act and Desert Land Entry Act have been denied:

Applications 33160, 34510, 34512, 34513, 34514, 36908, 37271, 37380, 37385, 37386, 37564, 37698, 37699, 37700, 37701, 37702, 37703, 37704, 37705, 37706, 37707, 37880, 37881, 37882, 37993, 38665, 38666, 38667, 38668, 38669, 38670, 38675, 38676, 38678, 38679, 38681, 40259, 40788, 40789, 40790, 40793, 40794, 40795, 40797, 40969, and 40970.

IV

NRS 533.370 subsection 3 states that "Where there is no unappropriated water in the proposed source of supply, or where its proposed use or change conflicts with existing rights, or threatens to prove detrimental to the public interest, the State Engineer shall reject the application and refuse to issue the permit asked for. Where a previous application for a similar use of water within the same basin has been rejected on these grounds, the new applications may be denied without publication."

RULING

Applications 46078 and 46079 are hereby denied on the grounds that they are new applications to appropriate the underground water of the Lower Moapa Valley Ground Water Basin in which previous applications have been rejected for irrigation for the reasons that they would tend to impair the value of existing rights and would be detrimental to the public interest and welfare.

Respectfully submitted,



Peter G. Morros
State Engineer

PGM/GB

Dated this 4th day of
November, 1982.

STATE ENGINEER OFFICE

NOV 11 1982

FOOTNOTES

1. Public Records in the office of the State Engineer.
2. Public Records in the office of the State Engineer.
3. Public Records in the office of the State Engineer.

ROUTING SLIP

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<input type="checkbox"/>	Left Desk	To: RULING
<input type="checkbox"/>	Approve and Return	The original copy of this Ruling was inadvertently sent to one of the applicant See Corrected Ruling.
<input type="checkbox"/>	Return With Comment	
<input type="checkbox"/>	Note and Return	
<input type="checkbox"/>	For Your Info	
<input type="checkbox"/>	For Your Files	
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