

IN THE MATTER OF APPLICATION 30725,)
34611 AND 46166 FILED TO APPROPRIATE)
UNDERGROUND WATER IN LOWER MEADOW)
VALLEY WASH, LINCOLN AND CLARK)
COUNTY, NEVADA.)

R U L I N G

INTRODUCTION

Application 30725 was filed by Meadow Valley Farm Lands Irrigation Company on October 8, 1976, to appropriate 5 c.f.s. of underground water for irrigation purposes in the Lower Meadow Valley Wash Ground Water Basin.

Application 34611 was filed by John F. Gray on November 14, 1977, to appropriate 1.7 c.f.s. of underground water for irrigation purposes in the Lower Meadow Valley Wash Ground Water Basin.

Application 46166 was filed by Robert C. and Vivian Lewis on September 23, 1982 to change the point of diversion and place of use of Application 30725.

Water right applications 30725 and 34611 were denied under State Engineer Ruling Number 2792 and 46166 was denied by the State Engineer Ruling Number 2807.

FINDINGS OF FACT

I.

Under Ruling Number 2792, Applications 30725 and 34611 were denied on the basis that the requested appropriation was to be utilized on public lands to support a Desert Land Entry. 2/

II.

In a reexamination of the Bureau of Land Management Township Plats on the Status of Public Domain Land, it was found that the location of the place of use under Application 34611, being the S $\frac{1}{2}$ SW $\frac{1}{4}$ of Section 14, T. 9 S., R. 67 #., M.D.B.&M., was in fact on private land. 3/

III.

A copy of a Grant, Bargain, Sale Deed was received by this office which indicates John F. Gray and Florence A. Gray as the owners of the S $\frac{1}{2}$ SW $\frac{1}{4}$ of Section 14, T. 9 S., R. 67 E., M.D.B.&M. 4/

IV.

The priority of Application 34611 as defined under NRS 533.357 is not the lowest order of priority, but is the first priority of the three established for consideration under NRS 533.357. 5/

V.

Application 46166 is an application to change the point of diversion and place of use of Application 30725. Application 30725 was denied on November 29, 1982 under State Engineer's Ruling No. 2792. 6/

VI.

Application 30725 was denied on the basis that the requested appropriation was to be utilized to support a Desert Land Entry on public lands. 7/

VII.

Application 46166 was filed on September 23, 1982 to change the point of diversion and place of use of Application 30725 which was prior to November 29, 1982, the date Application 30725 was denied.

VIII.

The place of use under Application 46166 covers 240 acres of public lands and 90 acres of private land. The private land is the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 26 and the NE $\frac{1}{4}$ SE $\frac{1}{4}$ and SE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 27, T. 14 S., R. 66E., M.D.B.&M.

IX.

Application 46166 was filed prior to the designation of the Lower Meadow Valley Wash.

X.

The priority of that portion of Application 46166 in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 26, and the NE $\frac{1}{4}$ SE $\frac{1}{4}$ and the SE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 27, T. 14 S., R. 66 E., M.D.B.&M. is number one under the three priorities established for consideration under NRS 533.357.

RULING

The denial of Application 34611 is hereby rescinded on the grounds that the Application is to appropriate water on private ground and not on public ground as Ruled in State Engineer's Ruling 2792. The priority

of Application 34611 is, therefore, not considered the lowest under NRS 533.357.

The denial of that portion of Application 46166 appurtenant to 90 acres in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 26 and the NE $\frac{1}{4}$ SE $\frac{1}{4}$ and SE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 27, T. 14S., R. 66E., is hereby rescinded on the basis that this acreage to be irrigated is on private land and as such comes under the first priority of NRS 533.357.

Application 46166 is an application to change the point of diversion and place of use of Application 30725. Application 30725 is, therefore, approved for 90 acres of irrigation with the understanding that if Application 46166 is withdrawn or cancelled or not placed to beneficial use then the water right will revert back to the source and not back to 30725.

Respectfully submitted,



PETER G. MORROS
State Engineer

PGM/GB/dcb

Dated this 22nd day
of February, 1984.

FOOTNOTES

- 1/ State Engineer's Rulings 2792 and 2807
- 2/ State Engineer's Ruling 2792
- 3/ Public Records in the Office of the State Engineer
- 4/ Public Records in the Office of the State Engineer
- 5/ N.R.S. 533.357
- 6/ State Engineer's Ruling 2792
- 7/ State Engineer's Ruling 2792