

IN THE OFFICE OF THE STATE ENGINEER

IN THE MATTER OF APPLICATIONS 48354)
AND 48355 FILED TO APPROPRIATE THE)
PUBLIC WATERS FROM AN UNDERGROUND)
SOURCE WITHIN THE RAILROAD VALLEY)
(NORTHERN PART) GROUND WATER BASIN)
IN NYE COUNTY, NEVADA.)

RULING

GENERAL

Application 48354 was filed on September 6, 1984, by Steven L. Peddicord to change the point of diversion and place of use of 5.4 c.f.s., a portion of water heretofore applied for under Application 31429, to irrigate 320 acres of land within the S $\frac{1}{2}$ N $\frac{1}{2}$ and N $\frac{1}{2}$ S $\frac{1}{2}$ Section 7, T.4N., R.54E., M.D.B.&M. The point of diversion is described as being within the SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 7, T.4N., R.54E., M.D.B.&M.¹

Application No. 48355 was filed on September 6, 1984, by Christine Tom to change the point of diversion and place of use of 5.4 c.f.s., a portion of water heretofore applied for under Application 31429, to irrigate 320 acres of land within the S $\frac{1}{2}$ S $\frac{1}{2}$ Section 7 and N $\frac{1}{2}$ N $\frac{1}{2}$ Section 18, T.4N., R.54E., M.D.B.&M. The point of diversion is described as being within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 7, T.4N., R.54E., M.D.B.&M.¹

Applications 48354 and 48355 were denied by State Engineer's Ruling dated January 31, 1988.¹

FINDINGS

I.

Records and information available to the State Engineer indicate that Applications 48354 and 48355 were filed in support of Desert Land Entry Applications.¹

II.

By letter dated August 10, 1988, the United States Department of Interior, Bureau of Land Management, notified the State Engineer that the following Desert Land Entry Applications had been closed and the case files are dead.¹

¹ Public record in the office of the State Engineer.

<u>BLM ENTRY NO.</u>	<u>NAME</u>	<u>LAND DESCRIPTION</u>
N-40279	Thomas E. Peddicord	T.4N., R.55E., Sec. 7
N-40280	Judith A. Peddicord	T.4N., R.55E., Sec. 7

III.

During a meeting on March 21, 1990, including Hugh Ricci and Christine Thiel of the Division of Water Resources and Vienna Walden and Ken Stowers of the United States Department of Interior, Bureau of Land Management, it was determined that Applications 48354 and 48355 should not have been denied.²

IV.

Further research under the "Land Description" in the August 10, 1988 letter from the Bureau of Land Management indicated that Applications 48348 and 48349 are covered by Desert Land Entry Numbers N-40279 and N-40280.

CONCLUSIONS

I.

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

II.

Evidence indicates that Applications 48354 and 48355 should not have been denied.

² Personal communication from Christine Thiel to Steve Walmsley of the Division of Water Resources.

³ NRS Chapters 533 and 534.

RULING

The denial of Applications 48354 and 48355 is herewith rescinded and said applications will return to "Ready for Action" status with further action pending the final disposition of their corresponding Desert Land Entry applications on file with the Bureau of Land Management.

Respectfully submitted,



R. MICHAEL TURNIPSEED, P.E.
State Engineer

RMT/SW/bk

Dated this 16th day of
May, 1990.