

IN THE OFFICE OF THE STATE ENGINEER

IN THE MATTER OF APPLICATION)
44700 FILED TO APPROPRIATE THE)
UNDERGROUND WATER OF THE STATE)
OF NEVADA LOCATED IN CLOVER)
VALLEY GROUND WATER BASIN,)
ELKO COUNTY, NEVADA)

RULING

177

GENERAL

Application 44700 was filed on October 28, 1981, by Vernon and Joan Westwood to appropriate 6.0 c.f.s., of water from an underground source for irrigation and domestic purposes on 320 acres of land within the E $\frac{1}{2}$ Section 11, T.34N., R.62E., M.D.B.&M. The point of diversion is described as being within the SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 11, T.34N., R.62E., M.D.B.&M. Application 44700 was assigned to Connecticut General Life Insurance Company on October 10, 1983. 1/

Application 44700 was protested on May 24, 1982, by Taylors, Ltd., on the following grounds:

"Taylors Ltd. has producing wells in the area which represent substantial investment in irrigation equipment and farmland. We feel more wells in the area would jeopardize production of these wells." 1/

FINDINGS OF FACT

I

Ruling 3013 was issued by the State Engineer on August 17, 1984, denying Application 44700. Finding V in the ruling indicated Application 44700 was filed in support of a Desert Land Entry. 1/

II

In a letter dated August 27, 1984, the applicant's agent, William A. Nisbet, informed the State Engineer's office that Application 44700 was for private land. 1/

III

Upon researching the lands applied for under Application 44700, it was determined that Application 44700 covered private lands contrary to Finding V in the ruling.

¹ Public record in the office of the State Engineer.

CONCLUSIONS

I

The State Engineer has jurisdiction under the provisions of NRS Chapters 533 and 534.

II

The place of use under Application 44700 is for private land, not a Desert Land Entry as indicated in Finding V of Ruling 3013.

III

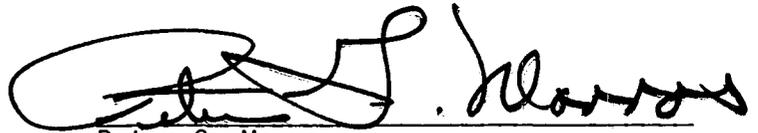
One of the grounds for denial of Application 44700 was that it was a Desert Land Entry and therefore was subject to the order of priority set forth under NRS 533.357.

RULING

The cancellation of Application 44700 is herewith rescinded on the grounds that the place of use is for private land, contrary to Finding V of Ruling 3013.

A public hearing will be held in the matter of the protest to granting Application 44700.

Respectfully submitted,



Peter G. Morros
State Engineer

PGM/CT/bc

Dated this 1st day of
FEBRUARY, 1985.