

IN THE OFFICE OF THE STATE ENGINEER

IN THE MATTER OF APPLICATIONS 48389)  
AND 48340 FILED TO APPROPRIATE (THE)  
PUBLIC WATERS OF AN UNDERGROUND)  
SOURCE IN CLOVER VALLEY GROUND)  
WATER BASIN, LINCOLN COUNTY, NEVADA.)

RULING

GENERAL

Application 48389 was filed on September 10, 1984, by David W. and Kathy S. Bingham to appropriate 4.0 c.f.s. of water from an underground source for irrigation purposes on 126.28 acres of land within the NE1/4 SW1/4, SE1/4 SW1/4, SW1/4 SW1/4 Section 33, T.4S., R.70E., M.D.B.&M.; and the NW1/4 NE1/4 Section 4, T.5S., R.70E., M.D.B.&M. The point of diversion is described as being within the SW1/4 SW1/4 Section 33, T.4S., R.70E., M.D.B.&M.<sup>1</sup>

Application 48390 was filed on September 10, 1984, by David W. and Kathy S. Bingham to appropriate 4.0 c.f.s. of water from an underground source for irrigation purposes on 110.17 acres of land within the NW1/4 SW1/4, NE1/4 SW1/4, SW1/4 SW1/4 Section 33, T.4S., R.70E., M.D.B.&M.; and the SE1/4 SE1/4, SW1/4 SE1/4 Section 32, T.4S., R.70E., M.D.B.&M. The point of diversion is described as being within the NW1/4 SW1/4 Section 33, T.4S., R.70E., M.D.B.&M.<sup>1</sup>

FINDINGS OF FACT

I.

A ruling dated December 5, 1984, denied Applications 48389 and 48390 "...on the grounds that the granting thereof would tend to impair the value of existing rights and threaten to prove detrimental to the public welfare and, additionally, on the grounds that applications for a similar use within the same ground water basin have been denied in the past".<sup>2</sup>

II.

A review of the points of diversion revealed that Applications 48389 and 48390 had been incorrectly recorded as being within the Virgin River Valley Ground Water Basin. They are actually located within the Clover Valley Ground Water Basin.<sup>1</sup>

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<sup>1</sup> Public record in the office of the State Engineer.

<sup>2</sup> State Engineer's Ruling No. 3073 dated December 5, 1984, public record in the office of the State Engineer.

CONCLUSIONS

I.

The State Engineer<sup>3</sup> has jurisdiction of the parties and the subject matter of this action and determination.

II.

The denial of Applications 48389 and 48390 was based on their location being within the Virgin River Valley.<sup>1</sup>

III.

The points of diversion under Applications 48389 and 48390 are not located within the Virgin River Valley, but rather in the Clover Valley Ground Water Basin.<sup>1</sup>

RULING

The State Engineer's ruling dated December 5, 1984, denying Applications 48389 and 48390, is hereby rescinded. Applications 48389 and 48390 will be considered based on the correct location of their points of diversion within the Clover Valley Ground Water Basin.

Respectfully submitted,



PETER G. MORROS  
State Engineer

PGM/MM/bl

Dated this 21st day of  
October, 1986.

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<sup>3</sup> NRS 533.325.