

IN THE MATTER OF APPLICATION 29149)  
TO CHANGE THE POINT OF DIVERSION )  
AND PLACE OF USE OF WATER HERETO- )  
FORE APPROPRIATED IN PAHRUMP )  
VALLEY, NYE COUNTY, NEVADA )

R U L I N G

GENERAL

Application 29149 was filed on January 16, 1975 by Earl Burson to change the place of use of a portion of waters heretofore appropriated under Permit 13868, Certificate 5524 for irrigation and domestic purposes.

Application 29149 proposed to change the place of use of seven acres of water under Permit 13868, Certificate 5524, being 4.7 acres in the SW $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 12, T.21S., R.53E., M.D.B.& M. and 2.3 acres in the NW $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 12, T.21S., R.53E., M.D.B.& M. The proposed place of use is 7.0 acres within the NE $\frac{1}{4}$  NE $\frac{1}{4}$  NE $\frac{1}{4}$  of said Section 12.

On April 23, 1975, the State Engineer's office sent correspondence to Mr. Richard J. Baughman of Baughman, Haught & Turner, Inc., the agent for the applicant in regard to Permit 29149, which noted that the existing place of use or place of use to be changed under Application 29149 was supplemental to the place of use under Permit 26786. The letter requested that the portion of Permit 26786 which was appurtenant to the existing place of use which was being changed by Application 29149 be removed or as an alternative changed, to prevent an expansion of acreage. Three other letters from the State Engineer's office dated November 4, 1975, March 21, 1978 and February 15, 1980 all to Mr. Richard J. Baughman restated the problem of expansion of water rights. A letter dated December 30, 1980 from the State Engineer's office was forwarded to Mr. Zolin Burson restating the situation.

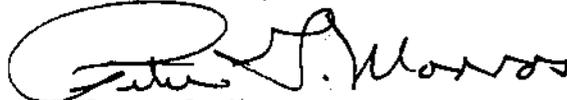
On July 2, 1974, a deed was executed by Earl and Clover J. Burson and Zolin G. and Shirley M. Burson to William J. and Marian M. Cook which transferred water rights in the NE $\frac{1}{4}$  of Section 12, T.21S., R.53E., M.D.B.& M. which included the 4.7 acres in the SW $\frac{1}{4}$  NE $\frac{1}{4}$  of said Section 12 which are proposed to be changed by Application 29149. On March 24, 1976, a deed was executed by Earl R. Burson and Clover J. Burson and Zolin G. Burson and Shirley M. Burson to Leland D. Speaks and/or Charlotte R. Speaks which transferred water rights in the NE $\frac{1}{4}$  of Section 12, T.21S., R.53E., M.D.B.& M., which included the 2.3 acres in the NW $\frac{1}{4}$  NE $\frac{1}{4}$  of said Section 12 which are proposed to be changed by Application 29149. Therefore, the water requested to be changed under Application 29149 is no longer in the ownership of the applicant.

RULING

Application 29149 is herewith denied on the grounds that the application, if approved, would create an expansion of acres which could be irrigated under Permits 13868 and 26786, thus creating an additional appropriation on the

underground waters which would not be in the public interest and welfare and further, the waters proposed to be changed by Application 29149 are not reflected in the ownership of the applicant on the record of the State Engineer's office.

Respectfully submitted,



Peter G. Morros  
State Engineer

PGM/GB/dh

Dated this 29th day  
of December, 1981.