

IN THE MATTER OF APPLICATIONS 46091,)
46092, 46093, 46094 and 46132 TO)
APPROPRIATE WATER FROM AN UNDER)
GROUND SOURCE IN BUENA VISTA VALLEY,)
PERSHING COUNTY, NEVADA.)

R U L I N G

FINDINGS OF FACT

I

Application 46091 was filed by Gordon Rae McCoy on August 26, 1982 to appropriate 6.0 c.f.s. of underground water for irrigation purposes. The point of diversion is within the SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 9, T.29N., R.35E., M.D.B.&M., and the place of use is 320 acres within the S $\frac{1}{2}$ of said Section 9.

Application 46092 was filed by Gordon Rae McCoy on August 26, 1982 to appropriate 6.0 c.f.s. of underground water for irrigation purposes. The point of diversion is within the NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 9, T.29N., R.35E., M.D.B.&M., and the place of use is 320 acres within the N $\frac{1}{2}$ of said Section 9.

Application 46093 was filed by Gordon Ray McCoy on August 26, 1982 to appropriate 6.0 c.f.s. of underground water for irrigation purposes. The point of diversion is within the NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 15, T.29N., R.35E., M.D.B.&M., and the place of use is 320 acres within the N $\frac{1}{2}$ of said Section 15.

Application 46094 was filed by Gordon Rae McCoy on August 26, 1982 to appropriate 6.0 c.f.s. of underground water for irrigation purposes. The point of diversion is within the NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 15, T.29N., R.35E., M.D.B.&M., and the place of use is 320 acres within the S $\frac{1}{2}$ of said Section 15.

Application 46132 was filed on September 8, 1982 by Don and Martha Sims to appropriate 6.0 c.f.s. of underground water for irrigation and domestic purposes. The point of diversion is within the SE $\frac{1}{4}$ Section 1, T.25N., R.34E., M.D.B.&M., and the place of use is within said Section 1.

II

The State Engineer designated the Buena Vista Valley groundwater basin under the provisions of NRS 534.030 on October 2, 1979. 1/

III

NRS 533.370 subsection 3 states that "Where there is no unappropriated water in the proposed source of supply, or where its proposed use or change conflicts with existing rights, or threatens to prove detrimental to the public interest, the state engineer shall reject the application and refuse to issue the permit asked for. Where a previous application for a similar use of water within the same basin has been rejected on these grounds, the new application may be denied without publication.

IV

Applications 39535 through 39549 inclusive, 42844, 42845, 43237 and 43238 for irrigation purposes were previously denied. 2/

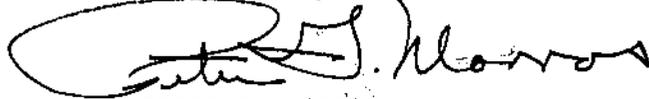
CONCLUSIONS

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

RULING

Applications 46091, 46092, 46093, 46094 and 46132 are hereby denied on the grounds that previous applications have been rejected for irrigation purposes within the Buena Vista Valley ground water basin and on the grounds that their granting would have conflicted with existing water rights and threaten to prove detrimental to the public welfare.

Respectfully submitted,



PETER G. MORROS
State Engineer

PGM/KN/b1

Dated this 5th day of
November, 1982.

FOOTNOTES

1. State Engineer's Order No. 732, October 2, 1979.
2. State Engineer's Ruling No. 2741 dated January 29, 1982.
3. NRS 533.025 and 533.030, subsection 1.