

IN THE OFFICE OF THE STATE ENGINEER

IN THE MATTER OF APPLICATION 44186)
FILED TO CHANGE THE POINT OF)
DIVERSION OF THE WATERS OF AN)
UNDERGROUND SOURCE HERETOFORE)
APPROPRIATED UNDER APPLICATION 37878)
IN THE KELLEY CREEK AREA, HUMBOLDT)
COUNTY, NEVADA.)

RULING

GENERAL

Application 44186 was filed on July 23, 1981, by Kelly Creek Land & Cattle Co. to change the point of diversion of 2.7 c.f.s. of water from an underground source heretofore appropriated under Application 37878, for irrigation and domestic purposes on 160 acres of land within the W1/2 W1/2 Section 25, T.37N., R.41E., M.D.B.&M. The proposed point of diversion is described as being within the SW1/4 SW1/4 Section 25, T.37N., R.41E., M.D.B.&M. The existing point of diversion is described as being within the NW1/4 NW1/4 Section 25, T.37N., R.41E., M.D.B.&M.¹

FINDINGS OF FACT

I.

Application 37878 was filed on April 10, 1979, by Kelley Creek Land & Cattle Co. to appropriate 2.7 c.f.s. of water from an underground source for irrigation and domestic purposes on 160 acres of land within the W1/2 W1/2 Section 25, T.37N., R.41E., M.D.B.&M. The point of diversion is described as being within the NW1/4 NW1/4 Section 25, T.37N., R.41E., M.D.B.&M.¹

II.

Application 37878 was denied on August 14, 1985, for failure of the applicant to submit the statutory permit fees as required under the provisions of NRS 533.435.²

CONCLUSION

I.

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

¹ Public record in the office of the State Engineer.

² See Ruling No. 3228 dated August 14, 1985, public record in the office of the State Engineer.

³ NRS 533.325.

II.

Application 37878 has been denied on the records of the office of the State Engineer as required by statute, therefore, no right exists to be changed under Application 44186.⁴

RULING

Application to change 44186 is herewith denied on the grounds that the water right said application proposes to change has been denied and, therefore, no existing water right is available under the proposed change.

Respectfully submitted,



PETER G. MORROS
State Engineer

PGM/DL/bl

Dated this 17th day of
December, 1985.

⁴ NRS 533.390.