

IN THE OFFICE OF THE STATE ENGINEER

IN THE MATTER OF APPLICATION 37280)
FILED TO CHANGE THE POINT OF)
DIVERSION AND PLACE OF USE OF THE)
WATERS OF AN UNDERGROUND SOURCE)
HERETOFORE APPROPRIATED UNDER)
APPLICATION 32275 IN BIG SMOKY VALLEY)
(TONOPAH FLAT AREA), NYE COUNTY,)
NEVADA.)

RULING

GENERAL

Application 37280 was filed on March 28, 1979, by Kenneth DeLeo to change the point of diversion and place of use of 2.7 c.f.s. of water from an underground source heretofore appropriated under Application 32275. The proposed use is for irrigation and domestic purposes on 160 acres of land within the NE1/4 Section 28, T.7N., R.40E., M.D.B.&M. The proposed point of diversion is described as being within the NW1/4 NE1/4 Section 28, T.7N., R.40E., M.D.B.&M. The existing point of diversion is described as being within the NW1/4 NE1/4 Section 13, T.6N., R.40E., M.D.B.&M.¹

FINDINGS OF FACT

I.

Application 32275 was filed on June 24, 1977, by Kenneth DeLeo 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 NE1/4 Section 13, T.6N., R.40E., M.D.B.&M. The point of diversion is described as being within the NW1/4 NE1/4 Section 13, T.6N., R.40E., M.D.B.&M.¹

II.

Application 32275 was denied on December 19, 1985, by State Engineer's Ruling No. 3293 on the grounds that granting the permit would adversely affect existing rights and would be detrimental to the public interest and welfare.¹

CONCLUSIONS

I.

The State Engineer has jurisdiction of the parties and the subject matter of this action.²

¹ Public record in the office of the State Engineer.

² NRS 533.325, NRS 533.030 and NRS 533.370.

II.

Application 32275 has been denied on the records of the office of the State Engineer, therefore, no right exists to be changed under Application 37280.

RULING

Application to Change 37280 is herewith denied on the grounds that the right proposed to be changed under Application 32275 has been denied, therefore, no existing water right is available under the proposed change.

Respectfully submitted,


PETER G. MORROS
State Engineer

PGM/JO/bl

Dated this 10th day of
February, 1986.