

IN THE OFFICE OF THE STATE ENGINEER
IN THE STATE OF NEVADA

IN THE MATTER OF APPLICATION 54362)
FILED TO APPROPRIATE THE PUBLIC)
WATERS OF AN UNDERGROUND SOURCE IN)
BIG SMOKY VALLEY - TONOPAH FLAT,)
NYE COUNTY, NEVADA.)

RULING

GENERAL

I.

Application 54362 was filed on January 22, 1990, by Asa W. and Ruth E. Kelley to appropriate 2.0 c.f.s. of water from an underground source for irrigation purposes on 82.90 acres of land within the E1/2 NE1/4 Section 21, T.8N., R.42E., M.D.B.&M. The point of diversion is described as being within the NE1/4 NE1/4 Section 21, T.8N., R.42E., M.D.B.&M.¹

FINDINGS OF FACT

I.

A ruling dated May 21, 1990, denied before publication, Application 54362 "...on the grounds that the granting thereof would adversely affect existing rights and would be detrimental to the public interest and welfare."²

II.

The State Engineer may deny an application if 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.³

1 Public record in the office of the State Engineer.

2 State Engineer's Ruling No. 3709 dated May 21, 1990, public record in the office of the State Engineer.

3 NRS 533.370(3).

CONCLUSIONS

I.

The State Engineer has jurisdiction of the parties and the subject matter of this action and determination.⁴

II.

The State Engineer finds that previous applications have not been denied for the same use, as requested by Application 54362 in the Big Smoky Valley - Tonopah Flat.

RULING

The State Engineer's ruling dated May 21, 1990, denying Application 54362, is hereby rescinded and said application will be approved for publication based on the information provided in said application.

Respectfully submitted,


R. MICHAEL TURNIPSEED, P.E.
State Engineer

RMT/pm

Date this 11th day of

June, 1990

⁴ NRS 533.325.