

IN THE MATTER OF APPLICATION 42980)
FILED TO APPROPRIATE THE PUBLIC)
WATERS FROM AN UNDERGROUND SOURCE)
WITHIN THE BIG SMOKY VALLEY GROUND)
WATER BASIN IN LANDER COUNTY,)
NEVADA.)

RULING

GENERAL

Application 42980 was filed on December 19, 1980, by Carol M. Bradley to appropriate 5.4 c.f.s. of water from an underground source to irrigate 320 acres of land within the E1/2 Section 25, T.18N., R.45E., M.D.B.&M. The point of diversion is described as being within the SW1/4 NE1/4 Section 25, T.18N., R.45E., M.D.B.&M.¹

FINDINGS

I.

Big Smoky Valley Ground Water Basin was described and designated by the State Engineer on October 24, 1983, as a ground water basin in need of additional administration under the provisions of NRS Chapter 534.²

II.

Records and information available to the State Engineer indicate that Application 42980 was filed in support of Desert Land Entry application.³

¹ Public record in the office of the State Engineer under application to appropriate 42980.

² Public record in the office of the State Engineer - State Engineer's Order No. 827. See also transcript of public hearing before the State Engineer on September 22, 1983. NRS 534.030.

³ Public records in the office of the State Engineer.

III.

By letter dated July 20, 1984, the United States Department of Interior, Bureau of Land Management, notified the State Engineer that the following Desert Land Entry Application had been closed and the case file is dead.⁴

<u>BLM ENTRY NO.</u>	<u>NAME</u>	<u>LAND DESCRIPTION</u>
N-30783	Carol M. Bradley	T.18N., R.45E., Sec. 25

IV.

The applicant under Application 42980 does not own or control the land described under the place of use of the application.

CONCLUSIONS

I.

The State Engineer has jurisdiction over the matter described herein.⁵

II.

Application 42980 was filed in support of Desert Land Entry. The Desert Land Entry application described under III of Findings has been closed on the records of the Bureau of Land Management, therefore, the applicant does not own or control the land described under the place of use of the application and cannot demonstrate the ability to place the water to beneficial use.

III.

To grant application to appropriate the public waters for irrigation on lands the applicant does not own or control or where the applicant cannot demonstrate the ability to place the water to beneficial use, would not be in the public interest and welfare.

⁴ Public record in the office of the State Engineer under Application 42980.

⁵ NRS Chapters 533 and 534.

RULING

Application 42980 is herewith denied on the grounds that to grant the application for irrigation purposes on lands that the applicant does not own or control and cannot demonstrate the ability to place the water to beneficial use, would not be in the public interest and welfare.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Peter G. Morros", written over a horizontal line.

Peter G. Morros
State Engineer

PGM/BD/bl

Dated this 15th day of
AUGUST, 1984.