

IN THE OFFICE OF THE STATE ENGINEER

IN THE MATTER OF APPLICATIONS 37615,)
37618, 37620, 37623, 37625, 37626, 38201,)
38726, 39027, 39028 AND 39856 FILED TO)
APPROPRIATE THE PUBLIC WATERS FROM)
AN UNDERGROUND SOURCE WITHIN THE)
THREE LAKES VALLEY GROUND WATER)
BASIN IN CLARK COUNTY, NEVADA.)

RULING 3034

GENERAL

Application 37615 was filed on April 2, 1979, by Beverly Ballif to appropriate 5.0 c.f.s. of water from an underground source to irrigate 320 acres of land within the W1/2 Section 12, T.16S., R.56E., M.D.B.&M. The point of diversion is described as being within the SE1/4 SW1/4 Section 12, T.16S., R.56E., M.D.B.&M.¹

Application 37618 was filed on April 2, 1979, by Edith M. Reid to appropriate 5.0 c.f.s. of water from an underground source to irrigate 320 acres of land within the E1/2 Section 24, T.16S., R.56E., M.D.B.&M. The point of diversion is described as being within the SE1/4 NE1/4 Section 24, T.16S., R.56E., M.D.B.&M.¹

Application 37620 was filed on April 2, 1979, by Calvin Q. Morrison to appropriate 5.0 c.f.s. of water from an underground source to irrigate 320 acres of land within the W1/2 Section 13, T.16S., R.56E., M.D.B.&M. The point of diversion is described as being within the NW1/4 NW1/4 Section 13, T.16S., R.56E., M.D.B.&M.¹

Application 37623 was filed on April 2, 1979, by Earl B. Kofoed to appropriate 5.0 c.f.s. of water from an underground source to irrigate 320 acres of land within the E1/2 Section 13, T.16S., R.56E., M.D.B.&M. The point of diversion is described as being within the NW1/4 NE1/4 Section 13, T.16S., R.56E., M.D.B.&M.¹

Application 37625 was filed on April 2, 1979, by Kathy Anne Cleveland to appropriate 5.0 c.f.s. of water from an underground source to irrigate 320 acres of land within the E1/2 Section 14, T.16S., R.56E., M.D.B.&M. The point of diversion is described as being within the NE1/4 NE1/4 Section 14, T.16S., R.56E., M.D.B.&M.¹

Application 37626 was filed on April 2, 1979, by Alene K. Dobbs to appropriate 5.0 c.f.s. of water from an underground source to irrigate 320 acres of land within the E1/2 Section 12, T.16S., R.56E., M.D.B.&M. The point of diversion is described as being within the SE1/4 SE1/4 Section 12, T.16S., R.56E., M.D.B.&M.¹

Application 38201 was filed on May 17, 1979, by Richard D. Harvey to appropriate 7.4 c.f.s. of water from an underground source to irrigate 320 acres of land within the S1/2 Section 12, T.16S., R.56E., M.D.B.&M. The point of diversion is described as being within the SE1/4 SW1/4 Section 12, T.16S., R.56E., M.D.B.&M.¹

¹ Public record in the office of the State Engineer under applications to appropriate 37615, 37618, 37620, 37623, 37625, 37626, 38201, 38726, 39027, 39028 and 39856.

Application 38726 was filed on August 2, 1979, by Geniel M. Ekins to appropriate 7.4 c.f.s. of water from an underground source to irrigate 320 acres of land within the W1/2 Section 23, T.16S., R.56E., M.D.B.&M. The point of diversion is described as being within the SW1/4 NW1/4 Section 23, T.16S., R.56E., M.D.B.&M.¹

Application 39027 was filed on September 10, 1979, by A. Lamont Nibarger to appropriate 5.4 c.f.s. of water from an underground source to irrigate 320 acres of land within the SW1/4 Section 17 and the NW1/4 Section 20, T.16S., R.57E., M.D.B.&M. The point of diversion is described as being within the SW1/4 SW1/4 Section 17, T.16S., R.57E., M.D.B.&M.¹

Application 39028 was filed on September 10, 1979, by Jeane K. Nibarger to appropriate 5.4 c.f.s. of water from an underground source to irrigate 320 acres of land within the E1/2 Section 17, T.16S., R.57E., M.D.B.&M. The point of diversion is described as being within the SE1/4 NE1/4 Section 17, T.16S., R.57E., M.D.B.&M.¹

Application 39856 was filed on November 30, 1979, by Michael R. Sipl to appropriate 3.0 c.f.s. of water from an underground source to irrigate 160 acres of land within the NE1/4 Section 15, T.16S., R.56E., M.D.B.&M. The point of diversion is described as being within the NE1/4 NE1/4 Section 15, T.16S., R.56E., M.D.B.&M.¹

FINDINGS

I.

The southern part of Three Lakes Valley Area Ground Water Basin was described and designated by the State Engineer on May 28, 1980, 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 Applications 37615, 37618, 37620, 37623, 37625, 37626, 38201, 38726, 39027, 39028 and 39856 were filed in support of Desert Land Entry applications.³

III.

By letter dated August 10, 1984, the United States Department of Interior, Bureau of Land Management, notified the State Engineer that the following Desert Land Entry Applications had been closed and the case files are dead.⁴

<u>BLM ENTRY NO.</u>	<u>NAME</u>	<u>LAND DESCRIPTION</u>
N-23837	Edith M. Reid	T.16S., R.56E., Sec. 24, E1/2
N-23839	Calvin Q. Morrison	T.16S., R.56E., Sec. 13, W1/2
N-23842	Earl B. Kofoed	T.16S., R.56E., Sec. 13, E1/2

² Public record in the office of the State Engineer - State Engineer's Order No. 745.

³ Public records in the office of the State Engineer.

⁴ Public record in the office of the State Engineer under Applications 37615, 37618, 37620, 37623, 37625, 37626, 38201, 38726, 39027, 39028 and 39856.

<u>BLM ENTRY NO.</u>	<u>NAME</u>	<u>LAND DESCRIPTION</u>
N-23844	Kathy Anne Cleveland	T.16S., R.56E., Sec. 14, E1/2
N-23845	Alene K. Dobbs	T.16S., R.56E., Sec. 12, E1/2
N-23848	Michael R. Sipl	T.16S., R.56E., Sec. 15, N1/2
N-23852	Beverly Ballif	T.16S., R.56E., Sec. 12, W1/2
N-24639	Richard D. Harvey	T.16S., R.56E., Sec. 12, S1/2
N-25242	Geniel M. Ekins	T.16S., R.56E., Sec. 23, W1/2
N-25993	Jeane K. Nibarger	T.16S., R.57E., Sec. 17, E1/2
N-25994	Lamont Nibarger	T.16S., R.57E., Sec. 17, SW1/4, Sec. 20, NW1/4

IV.

The applicants under Applications 37615, 37618, 37620, 37623, 37625, 37626, 38201, 38726, 39027, 39028 and 39856 do not own or control the land described under the place of use of the applications.

CONCLUSIONS

I.

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

II.

Applications 37615, 37618, 37620, 37623, 37625, 37626, 38201, 38726, 39027, 39028 and 39856 were filed in support of Desert Land Entries. The Desert Land Entry applications described under III of Findings have been closed on the records of the Bureau of Land Management, therefore, the applicants do not own or control the land described under the place of use of the applications and cannot demonstrate the ability to place the water to beneficial use.

III.

To grant applications 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.

⁵ NRS Chapters 533 and 534.

RULING

Applications 37615, 37618, 37620, 37623, 37625, 37626, 38201, 38726, 39027, 39028 and 39856 are herewith denied on the grounds that to grant the applications 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 19th day of

SEPTEMBER, 1984.