

IN THE OFFICE OF THE STATE ENGINEER

IN THE MATTER OF APPLICATIONS 30978,)
32268, 32269, 32668, 32669, 32670, 32671,)
34471, 34472, 36817, 36818, 36819, 37250,)
37557, 37558 AND 37742 FILED TO)
APPROPRIATE THE PUBLIC WATERS FROM)
AN UNDERGROUND SOURCE WITHIN THE)
RAILROAD VALLEY GROUND WATER BASIN)
IN NYE COUNTY, NEVADA.)

RULING # 3067

GENERAL

Application 30978 was filed on January 3, 1977, by Jeffrey A. Lynn to appropriate 2.7 c.f.s. of water from an underground source to irrigate 160 acres of land within the E1/2 SE1/4 Section 30 and the E1/2 NE1/4 Section 31, T.10N., R.57E., M.D.B.&M. The point of diversion is described as being within the NW1/4 NW1/4 Section 32, T.10N., R.57E., M.D.B.&M.¹

Application 32268 was filed on June 23, 1977, by Carole K. Hanks to appropriate 2.7 c.f.s. of water from an underground source to irrigate 160 acres of land within the SW1/4 Section 9, T.10N., R.57E., M.D.B.&M. The point of diversion is described as being within the NE1/4 SW1/4 Section 9, T.10N., R.57E., M.D.B.&M.¹

Application 32269 was filed on June 23, 1977, by Carl J. Hanks to appropriate 2.7 c.f.s. of water from an underground source to irrigate 160 acres of land within the NW1/4 Section 16, T.10N., R.57E., M.D.B.&M. The point of diversion is described as being within the NE1/4 NW1/4 Section 16, T.10N., R.57E., M.D.B.&M.¹

Application 32668 was filed on July 5, 1977, by Gailin Manzonie to appropriate 2.7 c.f.s. of water from an underground source to irrigate 160 acres of land within the W1/2 SE1/4 Section 30, T.10N., R.57E., M.D.B.&M., and Lots 2 and 3 Section 6, T.9N., R.57E., M.D.B.&M. The point of diversion is described as being within the NW1/4 SE1/4 Section 31, T.10N., R.57E., M.D.B.&M.¹

Application 32669 was filed on July 5, 1977, by Denny Manzonie to appropriate 2.7 c.f.s. of water from an underground source to irrigate 160 acres of land within Lot 1, S1/2 NE1/4, SE1/4 NW1/4 Section 6, T.9N., R.57E., M.D.B.&M. The point of diversion is described as being within Lot 1 Section 6, T.9N., R.57E., M.D.B.&M.¹

Application 32670 was filed on July 5, 1977, by Thomas Wade Peacock to appropriate 2.7 c.f.s. of water from an underground source to irrigate 160 acres of land within the NE1/4 SE1/4 Section 1, T.10N., R.57E., M.D.B.&M., and Lots 5 and 6, NE1/4 SW1/4 Section 6, T.10N., R.58E., M.D.B.&M. The point of diversion is described as being within the NE1/4 SW1/4 Section 6, T.10N., R.58E., M.D.B.&M.¹

¹ Public record in the office of the State Engineer under applications to appropriate 30978, 32268, 32269, 32668, 32669, 32670, 32671, 34471, 34472, 36817, 36818, 36819, 37250, 37557, 37558 and 37742.

Application 32671 was filed on July 5, 1977, by Rue Denise Peacock to appropriate 2.7 c.f.s. of water from an underground source to irrigate 160 acres of land within the SE1/4 SE1/4 Section 1, T.10N., R.57E., M.D.B.&M., and Lot 7, SE1/4 SW1/4, SW1/4 SE1/4 Section 6, T.10N., R.58E., M.D.B.&M. The point of diversion is described as being within the NE1/4 SW1/4 Section 6, T.10N., R.58E., M.D.B.&M.¹

Application 34471 was filed on November 1, 1977, by Dean Edward Carpenter to appropriate 2.7 c.f.s. of water from an underground source to irrigate 160 acres of land within the NE1/4 Section 22, T.10N., R.57E., M.D.B.&M. The point of diversion is described as being within the NE1/4 NE1/4 Section 22, T.10N., R.57E., M.D.B.&M.¹

Application 34472 was filed on November 1, 1977, by Wanda J. Carpenter to appropriate 2.7 c.f.s. of water from an underground source to irrigate 160 acres of land within the SE1/4 Section 22, T.10N., R.57E., M.D.B.&M. The point of diversion is described as being within the SE1/4 SE1/4 Section 22, T.10N., R.57E., M.D.B.&M.¹

Application 36817 was filed on February 16, 1979, by Norma J. Bradshaw to appropriate 5.4 c.f.s. of water from an underground source to irrigate 320 acres of land within the N1/2 Section 1, T.10N., R.56E., M.D.B.&M. The point of diversion is described as being within Lot 4 Section 1, T.10N., R.56E., M.D.B.&M.¹

Application 36818 was filed on February 16, 1979, by Barry K. Bradshaw to appropriate 5.4 c.f.s. of water from an underground source to irrigate 320 acres of land within the S1/2 Section 36, T.11N., R.56E., M.D.B.&M. The point of diversion is described as being within the NW1/4 SW1/4 Section 36, T.11N., R.56E., M.D.B.&M.¹

Application 36819 was filed on February 16, 1979, by Bradley R. Bradshaw to appropriate 5.4 c.f.s. of water from an underground source to irrigate 320 acres of land within the N1/2 Section 36, T.11N., R.56E., M.D.B.&M. The point of diversion is described as being within the NW1/4 NW1/4 Section 36, T.11N., R.56E., M.D.B.&M.¹

Application 37250 was filed on March 27, 1979, by Dona Lee Lani to appropriate 5.4 c.f.s. of water from an underground source to irrigate 320 acres of land within Lots 2, 3 and 4, SE1/4 NW1/4, S1/2 NE1/4, E1/2 SE1/4 Section 6, T.10N., R.58E., M.D.B.&M. The point of diversion is described as being within the NW1/4 NE1/4 Section 6, T.10N., R.58E., M.D.B.&M.¹

Application 37557 was filed on April 2, 1979, by Ann C. Bradshaw to appropriate 5.4 c.f.s. of water from an underground source to irrigate 320 acres of land within the E1/2 SW1/4 and SE1/4 Section 11, W1/2 SW1/4 Section 12, T.10N., R.56E., M.D.B.&M. The point of diversion is described as being within the NW1/4 SE1/4 Section 11, T.10N., R.56E., M.D.B.&M.¹

Application 37558 was filed on April 2, 1979, by Gordon L. Bradshaw to appropriate 5.4 c.f.s. of water from an underground source to irrigate 320 acres of land within the W1/2 SE1/4, E1/2 SW1/4 Section 1; NW1/4 Section 12, T.10N., R.56E., M.D.B.&M. The point of diversion is described as being within the SE1/4 SW1/4 Section 1, T.10N., R.56E., M.D.B.&M.¹

Application 37742 was filed on April 6, 1979, by Patricia Gualco to appropriate 5.4 c.f.s. of water from an underground source to irrigate 320 acres of land within the S1/2 Section 11, T.10N., R.57E., M.D.B.&M. The point of diversion is described as being within the NW1/4 SE1/4 Section 11, T.10N., R.57E., M.D.B.&M.¹

FINDINGS

I.

A timely protest was filed to the granting of Application 30978 by Mary Manzonie and John Manzonie. The grounds of the protest are as follows:²

"That said water has already been appropriated as shown by that certain deed attached hereto, marked Exhibit "A" and incorporated herein. Said deed is recorded in the County of Nye, State of Nevada, Page 373, Book 54, recorded July 16, 1956. That said property and water rights are now owned by Mary Manzonie, which she acquired through the Estate of John Manzonie. Said estate documents are also recorded in Nye County, Nevada. The Manzonie Ranch and Mary Manzonie have used the said waters for a beneficial use for irrigation, domestic and stock watering purposes since July 16, 1951.

II.

Records and information available to the State Engineer indicate that Applications 30978, 32268, 32269, 32668, 32669, 32670, 32671, 34471, 34472, 36817, 36818, 36819, 37250, 37557,³ 37558 and 37742 were filed in support of Desert Land Entry and Carey Act applications.³

III.

By letter dated October 25, 1984, the United States Department of Interior, Bureau of Land Management, notified the State Engineer that the following Desert Land Entry and Carey Act applications had been closed and the case files are dead.⁴

<u>BLM ENTRY NO.</u>	<u>NAME</u>	<u>LAND DESCRIPTION</u>
N-22925	Dona Lee Lani	T.10N., R.58E., Sec. 6
N-22929	Bradley Bradshaw	T.11N., R.56E., Sec. 36
N-22930	Barry K. Bradshaw	T.11N., R.56E., Sec. 36
N-22931	Norma Bradshaw	T.10N., R.56E., Sec. 1
N-22942	Gordon Bradshaw	T.10N., R.56E., Sec. 1 and 12
N-22943	Ann Bradshaw	T.10N., R.56E., Sec. 11 and 12
N-23217	Patricia Gualco	T.10N., R.57E., Sec. 11
N-32308	Jeffery A. Lynn	T.10N., R.57E., Sec. 30 and 31
N-32320	Carl J. Hanks	T.10N., R.57E., Sec. 16
N-32321	Carole K. Hanks	T.10N., R.57E., Sec. 9
N-32322	Denny Manzonie	T.9N., R.57E., Sec. 6; T.10N., R.57E., Sec. 31

¹ Public record in the office of the State Engineer under application to appropriate 30978.

³ Public records in the office of the State Engineer.

⁴ Public record in the office of the State Engineer under applications to appropriate 30978, 32268, 32269, 32668, 32669, 32670, 32671, 34471, 34472, 36817, 36818, 36819, 37250, 37557, 37558 and 37742.

<u>BLM ENTRY NO.</u>	<u>NAME</u>	<u>LAND DESCRIPTION</u>
32323	Galin Manzonie	T.9N., R.57E., Sec. 6; T.10N., R.57E., Sec. 31
32327	Rue Denise Peacock	T.10N., R.57E., Sec. 1; T.10N., R.58E., Sec. 6
32328	Thomas Wade Peacock	T.10N., R.57E., Sec. 1; T.10N., R.58E., Sec. 6
32330	Wanda Carpenter	T.10N., R.57E., Sec. 22
32331	Dean Carpenter	T.10N., R.57E., Sec. 22

IV.

The applicants under Applications 30978, 32268, 32269, 32668, 32669, 32670, 32671, 34471, 34472, 36817, 36818, 36819, 37250, 37557, 37558 and 37742 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 30978, 32268, 32269, 32668, 32669, 32670, 32671, 34471, 34472, 36817, 36818, 36819, 37250, 37557, 37558 and 37742 were filed in support of Desert Land Entry and Carey Act applications. The Desert Land Entry and Carey Act 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 30978, 32268, 32269, 32668, 32669, 32670, 32671, 34471, 34472, 36817, 36818, 36819, 37250, 37557, 37558 and 37742 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,



Peter G. Morros
State Engineer

PGM/SW/bl

Dated this 15th day of

November, 1984.