

IN THE OFFICE OF THE STATE ENGINEER

IN THE MATTER OF APPLICATIONS 42491, )  
42492, 42504 AND 42507 FILED TO )  
APPROPRIATE THE PUBLIC WATERS FROM )  
AN UNDERGROUND SOURCE WITHIN THE )  
PUMPERNICKEL VALLEY GROUND WATER )  
BASIN IN HUMBOLDT COUNTY, NEVADA. )

RULING

GENERAL

Application 42491 was filed on September 23, 1980, by Toni M. Nickerson to appropriate 5.4 c.f.s. of water from an underground source to irrigate 306 acres of land within the W1/2 Section 18, T.35N., R.42E., M.D.B.&M. The point of diversion is described as being within Lot 3 Section 18, T.35N., R.42E., M.D.B.&M.<sup>1</sup>

Application 42492 was filed on September 23, 1980, by James L. Campbell to appropriate 5.4 c.f.s. of water from an underground source to irrigate 316.68 acres of land within the E1/2 Section 36, T.35N., R.41E., M.D.B.&M. The point of diversion is described as being within Lot 3 Section 36, T.35N., R.41E., M.D.B.&M.<sup>1</sup>

Application 42504 was filed on September 23, 1980, by Tedi Lu Campbell to appropriate 5.4 c.f.s. of water from an underground source to irrigate 320 acres of land within the W1/2 Section 36, T.35N., R.41E., M.D.B.&M. The point of diversion is described as being within the NW1/4 SW1/4 Section 36, T.35N., R.41E., M.D.B.&M.<sup>1</sup>

Application 42507 was filed on September 23, 1980, by Dane A. Nickerson to appropriate 5.4 c.f.s. of water from an underground source to irrigate 320 acres of land within the E1/2 Section 18, T.35N., R.42E., M.D.B.&M. The point of diversion is described as being within the NE1/4 SE1/4 Section 18, T.35N., R.42E., M.D.B.&M.<sup>1</sup>

FINDINGS

I.

Records and information available to the State Engineer indicate that Applications 42491, 42492, 42504 and 42507 were filed in support of Desert Land Entry applications.<sup>2</sup>

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<sup>1</sup> Public record in the office of the State Engineer under applications to appropriate 42491, 42492, 42504 and 42507.

<sup>2</sup> Public records in the office of the State Engineer.

II.

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 Applications had been closed and the case files are dead.<sup>3</sup>

| <u>BLM ENTRY NO.</u> | <u>NAME</u>       | <u>LAND DESCRIPTION</u> |
|----------------------|-------------------|-------------------------|
| N-29989              | James L. Campbell | T.35N., R.41E., Sec. 36 |
| N-29988              | Tedi Lu Campbell  | T.35N., R.41E., Sec. 36 |
| N-30311              | Toni M. Nickerson | T.35N., R.42E., Sec. 18 |
| N-30313              | Dane Nickerson    | T.35N., R.42E., Sec. 18 |

III.

The applicants under Applications 42491, 42492, 42504 and 42507 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.<sup>4</sup>

II.

Applications 42491, 42492, 42504 and 42507 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.

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<sup>3</sup> Public record in the office of the State Engineer under applications to appropriate 42491, 42492, 42504 and 42507.

<sup>4</sup> NRS Chapters 533 and 534.

RULING

Applications 42491, 42492, 42504 and 42507 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 6th day of

December, 1984.