

IN THE OFFICE OF THE STATE ENGINEER

IN THE MATTER OF APPLICATION )  
32691 FILED TO APPROPRIATE )  
THE PUBLIC WATERS FROM AN )  
UNDERGROUND SOURCE WITHIN THE )  
DODGE FLAT GROUND WATER BASIN )  
IN WASHOE COUNTY, NEVADA )

RULING

GENERAL

I.

Application 32691 was filed on July 5, 1977, by Arthur Stephen Barnes to appropriate 2.7 c.f.s. of water from an underground source for irrigation purposes on 161.86 acres of land within Lots 1, 2, 3, and 4, Section 36, T.21N., R.23E., M.D.B.&M. The point of diversion is described as being within Lot 1, Section 36, T.21N., R.23E., M.D.B.&M.<sup>1</sup>

FINDINGS

I.

Records and information available to the State Engineer indicates that Application 32691 was filed in support of a Carey Act application.<sup>2</sup>

II.

By letter dated July 2, 1985, the State of Nevada Division of State Lands, Department of Natural Resources, notified the State Engineer that the following Carey Act Application had been closed and the case file is dead.<sup>3</sup>

<u>CAREY ACT</u>	<u>NAME</u>	<u>LAND DESCRIPTION</u>
0717	Arthur S. Barnes	T.21N., R.23E., Sec.36

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1 Public record in the office of the State Engineer under application to appropriate 32691.

2 Public records in the office of the State Engineer.

3Public Record in the office of the State Engineer under Application 32691.

III.

The applicant under Application 32691 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.<sup>4</sup>

II.

Application 32691 was filed in support of a Carey Act. The Carey Act application described under II of Findings has been closed on the records of the Division of State Lands, 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 an 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.

RULING

Application 32691 is herewith denied on the grounds that to grant an 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,



Peter G. Morros  
State Engineer

PGM/bc

Dated this 24th day of

JANUARY, 1986.

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