

IN THE OFFICE OF THE STATE ENGINEER

IN THE MATTER OF APPLICATION 33163)
FILED TO APPROPRIATE THE PUBLIC)
WATERS FROM AN UNDERGROUND SOURCE)
WITHIN THE CARSON DESERT GROUND)
WATER BASIN IN CHURCHILL COUNTY,)
NEVADA.)

RULING

GENERAL

Application 33163 was filed on August 15, 1977, by James Fitzpatrick to appropriate 2.7 c.f.s. of water from an underground source to irrigate 160 acres of land within the SW1/4 Section 4, T.19N., R.31E., M.D.B.&M. The point of diversion is described as being within the NE1/4 SW1/4 Section 4, T.19N., R.31E., M.D.B.&M.¹

FINDINGS

I.

Records and information available to the State Engineer indicate that Application 33163 was filed in support of a Carey Act application.²

II.

Records in the Division of State Lands, Department of Conservation and Natural Resources, State of Nevada, do not show a Carey Act application in the name of James Fitzpatrick or within the place of use of Application 33163.

III.

The applicant under Application 33163 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.³

¹ Public record in the office of the State Engineer under application to appropriate 33163.

² Public records in the office of the State Engineer.

³ NRS Chapters 533 and 534.

II.

Application 33163 was filed in support of a Carey Act application. Records in the Division of State Lands show that no Carey Act application was filed in the name of James Fitzpatrick or within the place of use of said application, therefore, the applicant does not own or control the land described under the place of use 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 33163 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,



Peter G. Morros
State Engineer

PGM/SW/bl

Dated this 10th day of
February, 1986.