

IN THE OFFICE OF THE STATE ENGINEER

IN THE MATTER OF APPLICATIONS)
31433 AND 31437 FILED TO)
APPROPRIATE THE PUBLIC WATERS)
FROM AN UNDERGROUND SOURCE)
WITHIN THE RAILROAD VALLEY)
(NORTHERN PART) GROUND WATER)
BASIN IN NYE COUNTY, NEVADA)

RULING

GENERAL

I.

Application 31433 was filed on May 3, 1977, by Tenabo Gold Mining Co., Inc., to appropriate 10.8 c.f.s. of water from an underground source for irrigation and domestic purposes on 640 acres of land within Section 14, T.4N., R.54E., M.D.B.&M. The point of diversion is described as being within the NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 14, T.4N., R.54E., M.D.B.&M.¹

Application 31437 was filed on May 3, 1977, by Tenabo Gold Mining Co., Inc., to appropriate 10.8 c.f.s. of water from an underground source for irrigation and domestic purposes on 640 acres of land within Section 7, T.4N., R.55E., M.D.B.&M. The point of diversion is described as being within the NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 7, T.4N., R.55E., M.D.B.&M.¹

FINDINGS

I.

Records and information available to the State Engineer indicate that Applications 31433 and 31437 were filed in support of Carey Act applications.²

II.

By letter dated March 20, 1985, the United States Department of Interior, Bureau of Land Management, notified the State Engineer that the following Carey Act Applications had been closed and the case files are dead.³

¹ Public record in the office of the State Engineer under applications to appropriate 31433 and 31437.

² Public records in the office of the State Engineer.

³ Public record in the office of the State Engineer under Applications 31433 and 31437..

<u>BLM ENTRY NO.</u>	<u>NAME</u>	<u>LAND DESCRIPTION</u>
N-32339	Tenabo Gold Co., Inc.	T.4N.,R.54E.,Sec's.13,14 & 24 T.4N.,R.55E.,Sec's.5,6,7, & 8

III.

The applicants under Applications 31433 and 31437 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.⁴

II.

Applications 31433 and 31437 were filed in support of Carey Acts. The Carey Act applications described under II 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.

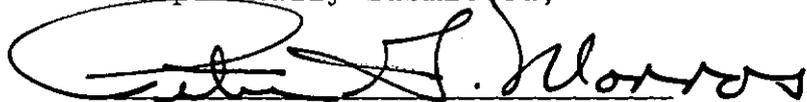
III.

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.

RULING

Applications 31344 and 31347 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/bc

Dated this 17th day of

MARCH, 1986.

⁴ NRS Chapters 533 and 534.