

IN THE OFFICE OF THE STATE ENGINEER

IN THE MATTER OF APPLICATIONS 33144,)
33145, 33147, 33351, 33822, 35988, 35989,)
42068, 42094, 42095, 42390, 42398, 43142,)
43430, 43432, 43433, 43705, 43706, 43707,)
43708, 43709, 43710, 43711, 43712, 43713,)
43714, 43715, 43716, 43892, 45703, 45704,)
45745, 45970 AND 45971 FILED TO)
APPROPRIATE THE PUBLIC WATERS FROM)
AN UNDERGROUND SOURCE WITHIN THE)
SNAKE VALLEY GROUND WATER BASIN IN)
WHITE PINE COUNTY, NEVADA.)

RULING 3356

GENERAL

Application 33144 was filed on August 15, 1977, by Patty McQueen to appropriate 2.7 c.f.s. of water from an underground source to irrigate 160 acres of land within the SW1/4 Section 12, T.10N., R.70E., M.D.B.&M. The point of diversion is described as being within the SW1/4 SW1/4 Section 12, T.10N., R.70E., M.D.B.&M.¹

Application 33145 was filed on August 15, 1977, by Alice R. Souza to appropriate 2.7 c.f.s. of water from an underground source to irrigate 160 acres of land within the SE1/4 Section 26, T.10N., R.70E., M.D.B.&M. The point of diversion is described as being within the SW1/4 SE1/4 Section 26, T.10N., R.70E., M.D.B.&M.¹

Application 33147 was filed on August 15, 1977, by Gilbert R. Rosenlund and subsequently assigned to Leon Belaustegui to appropriate 2.7 c.f.s. of water from an underground source to irrigate 160 acres of land within the NW1/4 Section 13, T.10N., R.70E., M.D.B.&M. The point of diversion is described as being within the SW1/4 NW1/4 Section 13, T.10N., R.70E., M.D.B.&M.¹

Application 33351 was filed on August 25, 1977, by Lori Guerra to appropriate 2.7 c.f.s. of water from an underground source to irrigate 160 acres of land within the SW1/4 SE1/4 Section 12; W1/2 NE1/4, NW1/4 SE1/4 Section 13, T.10N., R.70E., M.D.B.&M. The point of diversion is described as being within the NW1/4 SE1/4 Section 13, T.10N., R.70E., M.D.B.&M.¹

Application 33822 was filed on September 28, 1977, by William J. Lyons to appropriate 2.7 c.f.s. of water from an underground source to irrigate 160 acres of land within the E1/2 NE1/4 Section 26, W1/2 NW1/4 Section 25, T.10N., R.70E., M.D.B.&M. The point of diversion is described as being within the SE1/4 NE1/4 Section 26, T.10N., R.70E., M.D.B.&M.¹

¹ Public record in the office of the State Engineer under Applications 33144, 33145, 33147, 33351, 33822, 35988, 35989, 42068, 42094, 42095, 42390, 42398, 43142, 43430, 43432, 43433, 43705, 43706, 43707, 43708, 43709, 43710, 43711, 43712, 43713, 43714, 43715, 43716, 43892, 45703, 45704, 45745, 45970 and 45971.

Application 35988 was filed on October 10, 1978, by Fay Tognoni to appropriate 2.7 c.f.s. of water from an underground source to irrigate 160 acres of land within the E1/2 NW1/4, W1/2 NE1/4 Section 26, T.10N., R.70E., M.D.B.&M. The point of diversion is described as being within the SE1/4 NW1/4 Section 26, T.10N., R.70E., M.D.B.&M.¹

Application 35989 was filed on October 10, 1978, by Robert J. Tognoni to appropriate 2.7 c.f.s. of water from an underground source to irrigate 160 acres of land within the SW1/4 Section 26, T.10N., R.70E., M.D.B.&M. The point of diversion is described as being within the SW1/4 SW1/4 Section 26, T.10N., R.70E., M.D.B.&M.¹

Application 42068 was filed on August 15, 1980, by John R. Anderton to appropriate 6.0 c.f.s. of water from an underground source to irrigate 320 acres of land within the N1/2 Section 27, T.13N., R.70E., M.D.B.&M. The point of diversion is described as being within the SW1/4 NW1/4 Section 27, T.13N., R.70E., M.D.B.&M.¹

Application 42094 was filed on August 15, 1980, by Julie R. Campbell to appropriate 5.6 c.f.s. of water from an underground source to irrigate 280 acres of land within the S1/2 NW1/4, N1/2 SW1/4, SW1/4 SW1/4, W1/2 SE1/4 Section 22, T.13N., R.70E., M.D.B.&M. The point of diversion is described as being within the NE1/4 SW1/4 Section 22, T.13N., R.70E., M.D.B.&M.¹

Application 42095 was filed on August 15, 1980, by Frances Campbell to appropriate 5.6 c.f.s. of water from an underground source to irrigate 320 acres of land within the SE1/4 NE1/4, E1/2 SE1/4 Section 22, SW1/4 Section 23, NE1/4 NW1/4 Section 26, T.13N., R.70E., M.D.B.&M. The point of diversion is described as being within the NW1/4 SW1/4 Section 23, T.13N., R.70E., M.D.B.&M.¹

Application 42390 was filed on September 5, 1980, by Patsey D. Ashby to appropriate 5.6 c.f.s. of water from an underground source to irrigate 320 acres of land within the E1/2 Section 32, T.14N., R.70E., M.D.B.&M. The point of diversion is described as being within the SW1/4 NE1/4 Section 32, T.14N., R.70E., M.D.B.&M.¹

Application 42398 was filed on September 5, 1980, by Richard Larry Anderton to appropriate 5.6 c.f.s. of water from an underground source to irrigate 320 acres of land within Section 31, T.13N., R.71E., M.D.B.&M. The point of diversion is described as being within the NW1/4 SE1/4 Section 31, T.13N., R.71E., M.D.B.&M.¹

Application 43142 was filed on January 27, 1981, by Linda J. Thayne to appropriate 5.6 c.f.s. of water from an underground source to irrigate 320 acres of land within the S1/2 Section 24, T.13N., R.70E., M.D.B.&M. The point of diversion is described as being within the SE1/4 SW1/4 Section 24, T.13N., R.70E., M.D.B.&M.¹

Application 43430 was filed on March 30, 1981, by Michael W. Erickson to appropriate 6.0 c.f.s. of water from an underground source to irrigate 320 acres of land within the S1/2 Section 26, T.14N., R.70E., M.D.B.&M. The point of diversion is described as being within the NW1/4 SW1/4 Section 26, T.14N., R.70E., M.D.B.&M.¹

Application 43432 was filed on March 30, 1981, by Lawrence V. Erickson to appropriate 6.0 c.f.s. of water from an underground source to irrigate 320 acres of land within the SE1/4 Section 25, NE1/4 Section 36, T.14N., R.70E., M.D.B.&M. The point of diversion is described as being within the NW1/4 SE1/4 Section 25, T.14N., R.70E., M.D.B.&M.¹

Application 43433 was filed on March 30, 1981, by Louise S. Erickson to appropriate 6.0 c.f.s. of water from an underground source to irrigate 320 acres of land within the SW1/4 Section 25, NW1/4 Section 36, T.14N., R.70E., M.D.B.&M. The point of diversion is described as being within the NW1/4 SW1/4 Section 25, T.14N., R.70E., M.D.B.&M.¹

Application 43705 was filed on May 11, 1981, by Joseph C. Williamson to appropriate 6.0 c.f.s. of water from an underground source to irrigate 320 acres of land within the S1/2 SW1/4, NE1/4 SW1/4, W1/2 SE1/4 Section 13; N1/2 NW1/4, NW1/4 NE1/4 Section 24, T.10N., R.70E., M.D.B.&M. The point of diversion is described as being within the SW1/4 SE1/4 Section 13, T.10N., R.70E., M.D.B.&M.¹

Application 43706 was filed on May 11, 1981, by Edith H. Bethers to appropriate 6.0 c.f.s. of water from an underground source to irrigate 320 acres of land within the W1/2 SW1/4, SE1/4 SW1/4, SE1/4, SE1/4 NE1/4 Section 14, T.10N., R.70E., M.D.B.&M. The point of diversion is described as being within the SE1/4 SE1/4 Section 14, T.10N., R.70E., M.D.B.&M.¹

Application 43707 was filed on May 11, 1981, by Jana L. Lingbloom to appropriate 6.0 c.f.s. of water from an underground source to irrigate 320 acres of land within the E1/2 Section 27, T.10N., R.70E., M.D.B.&M. The point of diversion is described as being within the SE1/4 SE1/4 Section 27, T.10N., R.70E., M.D.B.&M.¹

Application 43708 was filed on May 11, 1981, by Marelda E. Harper to appropriate 6.0 c.f.s. of water from an underground source to irrigate 320 acres of land within the E1/2 SE1/4, SW1/4 SE1/4, Section 11; NE1/4 NE1/4 Section 14; W1/2 SW1/4, SE1/4 SW1/4, SW1/4 SE1/4 Section 12, T.10N., R.70E., M.D.B.&M. The point of diversion is described as being within the SW1/4 SW1/4 Section 12, T.10N., R.70E., M.D.B.&M.¹

Application 43709 was filed on May 11, 1981, by James R. Emmons to appropriate 6.0 c.f.s. of water from an underground source to irrigate 320 acres of land within the N1/2 Section 26, T.10N., R.70E., M.D.B.&M. The point of diversion is described as being within the SE1/4 NE1/4 Section 26, T.10N., R.70E., M.D.B.&M.¹

Application 43710 was filed on May 11, 1981, by John W. Emmons to appropriate 6.0 c.f.s. of water from an underground source to irrigate 320 acres of land within the NW1/4, W1/2 NE1/4, NE1/4 SW1/4, NW1/4 SE1/4 Section 12, T.10N., R.70E., M.D.B.&M. The point of diversion is described as being within the NW1/4 NW1/4 Section 12, T.10N., R.70E., M.D.B.&M.¹

Application 43711 was filed on May 11, 1981, by Dale F. Bethers to appropriate 6.0 c.f.s. of water from an underground source to irrigate 280 acres of land within the NW1/4, W1/2 NE1/4, NW1/4 SW1/4 Section 13, T.10N., R.70E., M.D.B.&M. The point of diversion is described as being within the SW1/4 SE1/4 Section 13, T.10N., R.70E., M.D.B.&M.¹

Application 43712 was filed on May 11, 1981, by Ardella Emmons to appropriate 6.0 c.f.s. of water from an underground source to irrigate 320 acres of land within Lots 3, 4, 5, 6, 7, 14, 15 and 16, Section 12, T.10N., R.70E., M.D.B.&M. The point of diversion is described as being within the SE1/4 SE1/4, Government Lot 16, Section 12, T.10N., R.70E., M.D.B.&M.¹

Application 43713 was filed on May 11, 1981, by Mike S. Lingbloom to appropriate 6.0 c.f.s. of water from an underground source to irrigate 320 acres of land within the S1/2 Section 26, T.10N., R.70E., M.D.B.&M. The point of diversion is described as being within the SE1/4 SW1/4 Section 26, T.10N., R.70E., M.D.B.&M.¹

Application 43714 was filed on May 11, 1981, by Donna Emmons to appropriate 6.0 c.f.s. of water from an underground source to irrigate 320 acres of land within the N1/2 Section 35, T.10N., R.70E., M.D.B.&M. The point of diversion is described as being within the NW1/4 NW1/4 Section 35, T.10N., R.70E., M.D.B.&M.¹

Application 43715 was filed on May 11, 1981, by Albert Wilcox to appropriate 6.0 c.f.s. of water from an underground source to irrigate 320 acres of land within the S1/2 Section 23, T.10N., R.70E., M.D.B.&M. The point of diversion is described as being within the SE1/4 SE1/4 Section 23, T.10N., R.70E., M.D.B.&M.¹

Application 43716 was filed on May 11, 1981, by Linda Wilcox to appropriate 6.0 c.f.s. of water from an underground source to irrigate 320 acres of land within the N1/2 Section 23, T.10N., R.70E., M.D.B.&M. The point of diversion is described as being within the SE1/4 NE1/4 Section 23, T.10N., R.70E., M.D.B.&M.¹

Application 43892 was filed on June 15, 1981, by Louise R. Weeks to appropriate 5.6 c.f.s. of water from an underground source to irrigate 320 acres of land within the W1/2 Section 28, T.14N., R.70E., M.D.B.&M. The point of diversion is described as being within the NW1/4 NW1/4 Section 28, T.14N., R.70E., M.D.B.&M.¹

Application 45703 was filed on May 21, 1982, by Thora B. Thayne to appropriate 5.6 c.f.s. of water from an underground source to irrigate 320 acres of land within the N1/2 Section 25, T.13N., R.70E., M.D.B.&M. The point of diversion is described as being within the SE1/4 NW1/4 Section 25, T.13N., R.70E., M.D.B.&M.¹

Application 45704 was filed on May 21, 1982, by Stanley L. Thayne to appropriate 5.6 c.f.s. of water from an underground source to irrigate 320 acres of land within the S1/2 Section 25, T.13N., R.70E., M.D.B.&M. The point of diversion is described as being within the SE1/4 SW1/4 Section 25, T.13N., R.70E., M.D.B.&M.¹

Application 45745 was filed on June 2, 1982, by Herbert W. Lane to appropriate 6.3 c.f.s. of water from an underground source to irrigate 320 acres of land within the SE1/4 Section 23, NE1/4 Section 26, T.13N., R.70E., M.D.B.&M. The point of diversion is described as being within the SW1/4 SE1/4 Section 23, T.13N., R.70E., M.D.B.&M.¹

Application 45970 was filed on July 23, 1982, by Ellsworth Johnson to appropriate 5.6 c.f.s. of water from an underground source to irrigate 320 acres of land within the S1/2 NW1/4, S1/2 SW1/4, NE1/4 SW1/4 Section 1; E1/2 SE1/4, SE1/4 NE1/4 Section 2, T.13N., R.70E., M.D.B.&M. The point of diversion is described as being within the SW1/4 SW1/4 Section 1, T.13N., R.70E., M.D.B.&M.¹

Application 45971 was filed on June 23, 1982, by Etta May Johnson to appropriate 6.0 c.f.s. of water from an underground source to irrigate 320 acres of land within the SE1/4 Section 1, T.13N., R.70E., M.D.B.&M.; S1/2 Section 6, T.13N., R.71E., M.D.B.&M. The point of diversion is described as being within the NW1/4 SE1/4 Section 1, T.13N., R.70E., M.D.B.&M.¹

Timely protests were filed to the granting of Applications 42068, 42094, 42095 and 42398 on March 10, 1981; Applications 42390, 43142, 43430 and 43432 on July 6, 1981; Application 43433 on September 4, 1981; Application 43892 on December 17, 1981; Applications 45703, 45704, 45970 and 45971 on November 8, 1982; and Application 45745 on December 9, 1982, by Frederick Baker of Baker Ranches, Inc. The grounds of the protests are as follows:²

"The granting of this Application would conflict and interfere with existing prior water rights in the area."

Timely protests were filed to the granting of Applications 43706, 43709, 43711, 43715 and 43716 on September 28, 1981, by Sam Bida. the grounds of the protests are as follows:²

"To allow for development of existing water permits to determine the amount of water available for irrigation under the Carey Act without the lowering of the water table in this basin (Township 10 North, Range 70 East)."

FINDINGS

I.

Records and information available to the State Engineer indicate that Applications 33144, 33145, 33147, 33351, 33822, 35988, 35989, 42068, 42094, 42095, 42390, 42398, 43142, 43430, 43432, 43433, 43705, 43706, 43707, 43708, 43709, 43710, 43711, 43712, 43713, 43714, 43715, 43716, 43892, 45703, 45704, 45745, 45970 and 45971 were filed in support of Desert Land Entry and Carey Act applications.²

II.

By letter dated May 14, 1986, 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.³

<u>BLM ENTRY NO.</u>	<u>NAME</u>	<u>LAND DESCRIPTION</u>
N-29648	Thora B. Thayne	T.13N., R.70E., Sec. 25
N-29649	Stanley L. Thayne	T.13N., R.70E., Sec. 25
N-29650	Louise S. Erickson	T.14N., R.70E., Sec's. 25, 36
N-29652	Linda J. Thayne	T.13N., R.70E., Sec. 24
N-29655	John R. Anderton	T.13N., R.70E., Sec. 27
N-29656	Michael W. Erickson	T.14N., R.70E., Sec. 26
N-29657	Lawrence V. Erickson	T.14N., R.70E., Sec's. 25, 36
N-29803	Dale F. Bethers	T.10N., R.70E., Sec. 13

² Public records in the office of the State Engineer.

³ Public record in the office of the State Engineer under Applications 33144, 33145, 33147, 33351, 33822, 35988, 35989, 42068, 42094, 42095, 42390, 42398, 43142, 43430, 43432, 43433, 43705, 43706, 43707, 43708, 43709, 43710, 43711, 43712, 43713, 43714, 43715, 43716, 43892, 45703, 45704, 45745, 45970 and 45971.

<u>BLM ENTRY NO.</u>	<u>NAME</u>	<u>LAND DESCRIPTION</u>
N-29804	Ardella Emmons	T.10N., R.70E., Sec. 12
N-29805	James R. Emmons	T.10N., R.70E., Sec. 26
N-29806	Edith H. Bethers	T.10N., R.70E., Sec. 14
N-29808	Joseph C. Williamson	T.10N., R.70E., Sec's. 13, 24
N-29809	Linda Wilcox	T.10N., R.70E., Sec. 23
N-29810	Marelda E. Harper	T.10N., R.70E., Sec's. 11, 12, 14
N-29811	Albert Wilcox	T.10N., R.70E., Sec. 23
N-29812	John W. Emmons	T.10N., R.70E., Sec. 12
N-29917	Herbert W. Lane	T.13N., R.70E., Sec's. 23, 26
N-29919	Jana L. Lingbloom	T.10N., R.70E., Sec. 27
N-29920	Donna Emmons	T.10N., R.70E., Sec. 35
N-29923	Mike S. Lingbloom	T.10N., R.70E., Sec. 27
N-30757	Patsy O. Ashby	T.14N., R.70E., Sec. 32
N-30760	Richard L. Anderton	T.13N., R.71E., Sec. 31
N-30761	Julie R. Campbell	T.13N., R.70E., Sec. 22
N-30762	Frances Campbell	T.13N., R.70E., Sec's. 22, 23, 26
N-30766	Louise R. Weeks	T.14N., R.70E., Sec. 28
N-31609	Etta May Johnson	T.13N., R.70E., Sec. 1
N-31610	Ellsworth Johnson	T.13N., R.70E., Sec's. 1, 2
N-40286	Alice Souza	T.10N., R.70E., Sec. 26
N-40287	Patty McQueen	T.10N., R.70E., Sec. 12
N-40292	Leon Belaustagui	T.10N., R.70E., Sec. 13
N-40294	Lori Guerra	T.10N., R.70E., Sec's. 12, 13
N-40295	Robert Tognoni	T.10N., R.70E., Sec. 26
N-40296	Fay Tognoni	T.10N., R.70E., Sec. 26
N-40297	William J. Lyons	T.10N., R.70E., Sec's. 25, 26

III.

The applicants under Applications 33144, 33145, 33147, 33351, 33822, 35988, 35989, 42068, 42094, 42095, 42390, 42398, 43142, 43430, 43432, 43433, 43705, 43706, 43707, 43708, 43709, 43710, 43711, 43712, 43713, 43714, 43715, 43716, 43892, 45703, 45704, 45745, 45970 and 45971 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

⁴ NRS Chapters 533 and 534.

II.

Applications 33144, 33145, 33147, 33351, 33822, 35988, 35989, 42068, 42094, 42095, 42390, 42398, 43142, 43430, 43432, 43433, 43705, 43706, 43707, 43708, 43709, 43710, 43711, 43712, 43713, 43714, 43715, 43716, 43892, 45703, 45704, 45745, 45970 and 45971 were filed in support of Desert Land Entry and Carey Act applications. The Desert Land Entry and 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 33144, 33145, 33147, 33351, 33822, 35988, 35989, 42068, 42094, 42095, 42390, 42398, 43142, 43430, 43432, 43433, 43705, 43706, 43707, 43708, 43709, 43710, 43711, 43712, 43713, 43714, 43715, 43716, 43892, 45703, 45704, 45745, 45970 and 45971 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 9th day of
June, 1986.