

IN THE OFFICE OF THE STATE ENGINEER

IN THE MATTER OF APPLICATIONS 37097,)
37155, 37156, 37158 AND 41559 FILED TO)
APPROPRIATE THE PUBLIC WATERS FROM)
AN UNDERGROUND SOURCE WITHIN THE)
NEWARK VALLEY GROUND WATER BASIN IN)
WHITE PINE COUNTY, NEVADA.)

RULING

GENERAL

Application 37097 was filed on March 19, 1979, by Vance L. Pierce to appropriate 5.4 c.f.s. of water from an underground source to irrigate 320 acres of land within the W1/2 Section 15, T.18N., R.55E., M.D.B.&M. The point of diversion is described as being within the SE1/4 SW1/4 Section 15, T.18N., R.55E., M.D.B.&M.¹

Application 37155 was filed on March 23, 1979, by Zella V. King to appropriate 5.4 c.f.s. of water from an underground source to irrigate 320 acres of land within the W1/2 Section 34, T.19N., R.55E., M.D.B.&M. The point of diversion is described as being within the SW1/4 SW1/4 Section 34, T.19N., R.55E., M.D.B.&M.¹

Application 37156 was filed on March 23, 1979, by Hazel E. King to appropriate 5.4 c.f.s. of water from an underground source to irrigate 320 acres of land within the W1/2 Section 27, T.19N., R.55E., M.D.B.&M. The point of diversion is described as being within the NW1/4 NW1/4 Section 27, T.19N., R.55E., M.D.B.&M.¹

Application 37158 was filed on March 23, 1979, by Oscar L. King to appropriate 5.4 c.f.s. of water from an underground source to irrigate 320 acres of land within the E1/2 Section 33, T.19N., R.55E., M.D.B.&M. The point of diversion is described as being within the NW1/4 SE1/4 Section 33, T.19N., R.55E., M.D.B.&M.¹

Application 41559 was filed on June 20, 1980, by Joyce A. Golden to appropriate 5.4 c.f.s. of water from an underground source to irrigate 320 acres of land within the W1/2 Section 34, T.19N., R.55E., M.D.B.&M. The point of diversion is described as being within the SW1/4 NW1/4 Section 34, T.19N., R.55E., M.D.B.&M.¹

FINDINGS

I.

Records and information available to the State Engineer indicate that Applications 37097, 37155, 37156, 37158 and 41559 were filed in support of Desert Land Entry applications.¹

¹ Public records in the office of the State Engineer.

II.

By letter dated April 16, 1986, 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.¹

<u>BLM ENTRY NO.</u>	<u>NAME</u>	<u>LAND DESCRIPTION</u>
N-22203	Vance L. Pierce	T.18N., R.55E., Sec. 15
N-29778	Zella V. King	T.19N., R.55E., Sec. 34
N-22312	Hazel E. King	T.19N., R.55E., Sec. 27
N-22315	Oscar L. King	T.19N., R.55E., Sec. 33
N-22199	Joyce A. Golden	T.19N., R.55E., Sec. 34

III.

The applicants under Applications 37097, 37155, 37156, 37158 and 41559 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.²

II.

Applications 37097, 37155, 37156, 37158 and 41559 were filed in support of Desert Land Entries. The Desert Land Entry 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.

² NRS Chapters 533 and 534.

RULING

Applications 37097, 37155, 37156, 37158 and 41559 are herewith denied on the grounds that to grant the applications for irrigation purposes on lands that the applicants do 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 13th day of
March, 1987.