

IN THE MATTER OF THE STATE ENGINEER

IN THE MATTER OF APPLICATION)
NUMBER 32612 FILED TO APPROPRIATE)
THE PUBLIC WATERS OF AN UNDERGROUND)
SOURCE WITHIN THE STONE CABIN)
VALLEY GROUNDWATER BASIN, NYE)
COUNTY, NEVADA.)

RULING

GENERAL

I.

Application 32612 was filed on June 30, 1977 by George H. Hawes, Jr. and Stephen Mark Stephens to appropriate 5.4 c.f.s. of water from an underground source for irrigation and domestic purposes on 320 acres within the SE1/4 SE1/4, SW1/4 SE1/4 Section 34, T.4N., R.48E., M.D.B.&M. and NE1/4, NW1/4 SE1/4, NE1/4 SW1/4 Section 3, T.3N., R.48E., M.D.B.&M.

The point of diversion is described as being within the SW1/4 NE1/4 Section 3 T.3N., R.48E., M.D.B.&M. Application 32612 became ready for action by the State Engineer's Office on April 23, 1978. The current owner of record is Elaine Stickelman.¹

FINDINGS OF FACT

I.

Stone Cabin Valley Groundwater Basin was described and designated by the State Engineer on August 31, 1978 as a ground water basin in need of additional administration under the provisions of NRS 534.²

¹ Public record in the office of the State Engineer.

² State Engineer's Order No. 720.

II.

Records and information available to the State Engineer indicate that Application 32612 was filed in support of a Desert Land Entry Application.¹

III.

By letter dated July 6, 1989, the United States Department of Interior, Bureau of Land Management, notified the State Engineer that the following Desert Land Entry Application had been cancelled and that the Interior Board of Land Appeals had affirmed the cancellation.¹

<u>BLM ENTRY NO.</u>	<u>NAME</u>	<u>LAND DESCRIPTION</u>
Nev-061603	Elaine S. Stickelman	T.3N., R.48E., Section 3, Lots 1, 2, 5, S1/2 NE1/4, NW1/4 SE1/4. T.4N., R.48E., Section 34, Lots 3 and 4.

CONCLUSIONS

I.

The State Engineer has jurisdiction over the matter described herein.³

³ NRS Chapters 533 and 534.

II.

Application 32612 was filed in support of Desert Land Entry. The Desert Land Entry Application has been cancelled by the Bureau of Land Management, therefore the applicant cannot demonstrate the ability to place the water to beneficial use.

RULING

Application 32612 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.

Respectfully Submitted,


Peter G. Morros
State Engineer

PGM/DJL/pm

Date this 27th day of
December, 1989