

IN THE OFFICE OF THE STATE ENGINEER
IN THE STATE OF NEVADA

IN THE MATTER OF APPLICATION 33060)
FILED TO APPROPRIATE THE PUBLIC)
WATERS FROM AN UNDERGROUND SOURCE)
WITHIN THE RAILROAD VALLEY)
(NORTHERN PART) GROUND WATER BASIN)
IN NYE COUNTY, NEVADA.)

RULING

3888

GENERAL

I.

Application 33060¹ was filed on August 8, 1977, by Gerald H. Sharp to appropriate 2.7 c.f.s. of water from an underground source for irrigation and domestic purposes on 160 acres of land within E1/2 E1/2 of Section 35, T.5N., R.55E., M.D.B.&M. The point of diversion is described as being within the SW1/4 SE1/4 Section 35, T.5N., R.55E., M.D.B.&M.

FINDINGS OF FACT

I.

Records and information available to the State Engineer indicate that Application 33060 was filed in support of Carey Act application,¹ and the place of use is located on public land.

II.

By letter dated September 14, 1988, the United States Department of Interior, Bureau of Land Management, notified the State Engineer that the following Carey Act Application has been closed and the case file is dead.¹

<u>BLM ENTRY NO.</u>	<u>NAME</u>	<u>LAND DESCRIPTION</u>
N-32324	State of Nevada	T.5N., R.55E., Sec. 35, E1/2 E1/2

The applicant under Application 33060 does not own or control the land described under the place of use of the application.

¹ Public record in the office of the State Engineer, filed under Application 33060.

CONCLUSIONS

I.

The State Engineer has jurisdiction over the matter described herein.²

II.

Application 33060 was filed in support of Carey Act. The Carey Act application described under II of Findings has been closed on the records of the Bureau of Land Management, therefore, the applicant does not own or control the land described under the place of use of the application and cannot demonstrate the ability to place the water to beneficial use.

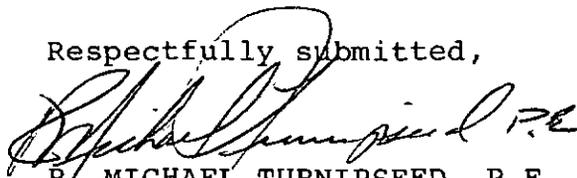
III.

To grant an application to appropriate the public water 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.

RULING

Application 33060 is herewith denied on the grounds that to grant an 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,



R. MICHAEL TURNIPSEED, P.E.
State Engineer

RMT/MR/pm

Dated this 18th day of
May 1992.

² NRS Chapters 533 and 534.