

IN THE MATTER OF APPLICATION 20608)
FILED JULY 23, 1962 BY JOHN ETCHEBERRY)
TO APPROPRIATE WATER FROM AN UNDERGROUND) R U L I N G
SOURCE FOR IRRIGATION PURPOSES IN NYE)
COUNTY, NEVADA)

Description of Application:

137A
Application 20608 was filed July 23, 1962 by John Etcheberry to appropriate 5.0 c.f.s. of the waters from an underground source at a point within the NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 5, T. 8 N., R. 43 E., M.D.B.&M. or at a point N. 45° W. 50.0 feet from the N $\frac{1}{4}$ corner of said Section 5. This appropriation is for the irrigation of 320 acres of land within the NW $\frac{1}{4}$ Section 5 and NE $\frac{1}{4}$ Section 6, T. 8 N., R. 43 E., M.D.B.&M. Period of use of water is from March 1 to November 30 of each year.

This application was filed in support of Desert Land Entry Nevada 050132, U. S. Bureau of Land Management, Reno, Nevada.

General:

Desert Land Entry Nevada 050132 was allowed July 27, 1962 for 161.33 acres of land within Lots 3, 4, S $\frac{1}{2}$ NW $\frac{1}{4}$ Section 5, T. 8 N., R. 43 E., M.D.B.&M. (Big Smokey Valley). The NE $\frac{1}{4}$ Section 6, T. 8 N., R. 43 E., M.D.B.&M. named in Application 20608 was not included in the land entry due to the fact of stock driveway reserved through a portion of the land applied for by John Etcheberry. In view of this fact no action was taken on Application 20608.

Letter dated October 15, 1963, from U. S. Bureau of Land Management informed this office that Desert Land Entry Nevada 050132, John Etcheberry, was being cancelled and closed

on the records for failure of entryman to comply with the annual proof requirements of the desert land laws. As of the date of this ruling, the applicant does not have control of the land on which he plans to place the water to beneficial use.

RULING

Application 20608 is hereby denied on the grounds that the applicant does not have control of the land on which he plans to place the water to beneficial use, and that its granting would be detrimental to the public welfare.

Respectfully submitted,

ELMO J. DeRICCO
State Engineer



By: GEORGE W. HENNEN
Assistant State Engineer

Dated this 24th day of
March, 1964.