

IN THE MATTER OF APPLICATION NO. 13166
IN NAME OF AUBURN POWERS TO APPROPRIATE
UNDERGROUND WATER IN ESMERALDA COUNTY,
NEVADA.

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RULING

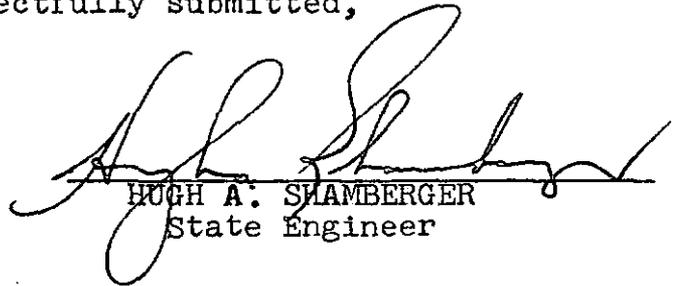
Application No. 13166 was filed November 18, 1949 by Auburn Powers to appropriate 4.0 c.f.s. of underground water at a point within the NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 32, T. 1 S., R. 35 E. for the irrigation of 320 acres of land within the SW $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 28; S $\frac{1}{2}$ SE $\frac{1}{4}$ Section 29; N $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 32, T. 1 S., R. 35 E.

On June 12, 1950 and July 3, 1950 protests to the granting of a permit under said application were filed by E. L. Cord and Rex B. Clark, respectively.

By letter dated June 18, 1951 from the Bureau of Land Management we were advised that Desert Land Application No. 0419 in the name of Auburn Powers had been finally rejected and closed.

Since the land is definitely closed for entry for agricultural purposes by the Government, and since Application No. 13166 was to appropriate underground water beneath said lands for use thereon for irrigation purposes, the State Engineer has no other recourse but to deny said application on the grounds that applicant cannot gain entry to said land, and therefore could not make beneficial use of such water.

Respectfully submitted,


HUGH A. SHAMBERGER
State Engineer

Dated July 23, 1951.