

IN THE MATTER OF APPLICATION NO. 13110)
IN THE NAME OF HOMER LOCKHART TO)
APPROPRIATE UNDERGROUND WATER IN :
FISH LAKE VALLEY, ESMERALDA COUNTY,)
NEVADA.)

RULING

Application No. 13110 was filed October 17, 1949 by Homer Lockhart to appropriate 4.0 c.f.s. of underground water for the irrigation of 320 acres of land. The proposed point of diversion is located in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 1, T. 2 S., R. 35 E.

The notice of this application was duly published in the Goldfield News, as prescribed by law, and March 22, 1950 a protest was filed by E. L. Cord to the granting of a permit under said application. The basis of said protest is as follows:

"That the granting of the above referred to application would impair and tend to impair the value of existing water rights now owned by E. L. Cord, and would conflict with the existing rights of protestant, and would threaten to prove detrimental to the public interests. That the underground waters are insufficient to satisfy all of the existing water rights and the waters which applicant seeks to appropriate, and that there is in substance and effect no unappropriated waters in the proposed underground source of supply."

The matter of this application is now before this office.

ACTION BY THE BUREAU OF LAND MANAGEMENT

On September 25, 1950 the Bureau of Land Management, through the Nevada Land and Survey Office, issued its decision on homestead and desert land applications filed in Fish Lake Valley. The application of Homer Lockhart was among those held for rejection for the reason the application did not embrace lands that contained good soil in sufficient amount to constitute an economic unit.

The decision was affirmed by the Director of the Bureau of Land Management on April 9, 1951, and the decision became final and the applications were closed on October 22, 1951.

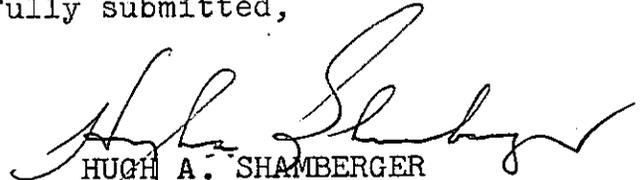
RULING

Under the ruling of the Bureau of Land Management, the application for desert land entry by Homer Lockhart was rejected and finally closed on October 22, 1951.

The protest of E. L. Cord, based on the grounds that there is no unappropriated ground water, is overruled as such finding has not been established.

Application No. 13110 to appropriate underground water by Homer Lockhart is denied as the land on which such water was to be appurtenant is not available to the applicant.

Respectfully submitted,



HUGH A. SHAMBERGER
State Engineer

January 18, 1952.