

IN THE MATTER OF APPLICATIONS 37956 )  
THROUGH 37976, INCLUSIVE, FILED TO )  
APPROPRIATE THE PUBLIC WATERS FROM )  
AN UNDERGROUND SOURCE WITHIN THE )  
INDEPENDENCE VALLEY GROUND WATER )  
BASIN IN ELKO COUNTY, NEVADA. )  
)  
)  
)

RULING

GENERAL

Application 37956<sup>1</sup> was filed on April 19, 1979, by Richard M. Palmer to appropriate 6.0 c.f.s. of water from an underground source to irrigate 320 acres of land within the W1/2 Section 2, T.31N., R.64E., M.D.B.&M. The point of diversion is described as being within the NE1/4 SW1/4 Section 2, T.31N., R.64E., M.D.B.&M.

Application 37957<sup>1</sup> was filed on April 19, 1979, by Richard M. Palmer to appropriate 6.0 c.f.s. of water from an underground source to irrigate 320 acres of land within the W1/2 Section 22, T.32N., R.64E., M.D.B.&M. The point of diversion is described as being within the NE1/4 SW1/4 Section 22, T.32N., R.64E., M.D.B.&M.

Application 37958<sup>1</sup> was filed on April 19, 1979, by Richard M. Palmer to appropriate 6.0 c.f.s. of water from an underground source to irrigate 320 acres of land within the E1/2 Section 23, T.32N., R.64E., M.D.B.&M. The point of diversion is described as being within the SW1/4 NE1/4 Section 23, T.32N., R.64E., M.D.B.&M.

Application 37959<sup>1</sup> was filed on April 19, 1979, by Richard M. Palmer to appropriate 6.0 c.f.s. of water from an underground source to irrigate 320 acres of land within the E1/2 Section 24, T.32N., R.64E., M.D.B.&M. The point of diversion is described as being within the SW1/4 NE1/4 Section 24, T.32N., R.64E., M.D.B.&M.

Application 37960<sup>1</sup> was filed on April 19, 1979, by Richard M. Palmer to appropriate 6.0 c.f.s. of water from an underground source to irrigate 320 acres of land within the E1/2 Section 26, T.32N., R.64E., M.D.B.&M. The point of diversion is described as being within the SW1/4 NE1/4 Section 26, T.32N., R.64E., M.D.B.&M.

Application 37961<sup>1</sup> was filed on April 19, 1979, by Richard M. Palmer to appropriate 6.0 c.f.s. of water from an underground source to irrigate 320 acres of land within the E1/2 Section 25, T.32N., R.64E., M.D.B.&M. The point of diversion is described as being within the SW1/4 NE1/4 Section 25, T.32N., R.64E., M.D.B.&M.

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<sup>1</sup> Public record in the office of the State Engineer under application to appropriate 37956 through 37976, inclusive.

Application 37962<sup>1</sup> was filed on April 19, 1979, by Richard M. Palmer to appropriate 6.0 c.f.s. of water from an underground source to irrigate 320 acres of land within the E1/2 Section 35, T.32N., R.64E., M.D.B.&M. The point of diversion is described as being within the SW1/4 NE1/4 Section 35, T.32N., R.64E., M.D.B.&M.

Application 37963<sup>1</sup> was filed on April 19, 1979, by Richard M. Palmer to appropriate 6.0 c.f.s. of water from an underground source to irrigate 320 acres of land within the E1/2 Section 3, T.31N., R.64E., M.D.B.&M. The point of diversion is described as being within the SW1/4 NE1/4 Section 3, T.31N., R.64E., M.D.B.&M.

Application 37964<sup>1</sup> was filed on April 19, 1979, by Richard M. Palmer to appropriate 6.0 c.f.s. of water from an underground source to irrigate 320 acres of land within the W1/2 Section 23, T.32N., R.64E., M.D.B.&M. The point of diversion is described as being within the NE1/4 SW1/4 Section 34, T.32N., R.64E., M.D.B.&M.

Application 37965<sup>1</sup> was filed on April 19, 1979, by Richard M. Palmer to appropriate 6.0 c.f.s. of water from an underground source to irrigate 320 acres of land within the E1/2 Section 34, T.32N., R.64E., M.D.B.&M. The point of diversion is described as being within the SW1/4 NE1/4 Section 34, T.32N., R.64E., M.D.B.&M.

Application 37966<sup>1</sup> was filed on April 19, 1979, by Richard M. Palmer to appropriate 6.0 c.f.s. of water from an underground source to irrigate 320 acres of land within the W1/2 Section 24, T.32N., R.64E., M.D.B.&M. The point of diversion is described as being within the NE1/4 SW1/4 Section 24, T.32N., R.64E., M.D.B.&M.

Application 37967<sup>1</sup> was filed on April 19, 1979, by Richard M. Palmer to appropriate 6.0 c.f.s. of water from an underground source to irrigate 320 acres of land within the W1/2 Section 25, T.32N., R.64E., M.D.B.&M. The point of diversion is described as being within the NW1/4 SW1/4 Section 25, T.32N., R.64E., M.D.B.&M.

Application 37968<sup>1</sup> was filed on April 19, 1979, by Richard M. Palmer to appropriate 6.0 c.f.s. of water from an underground source to irrigate 320 acres of land within the W1/2 Section 26, T.32N., R.64E., M.D.B.&M. The point of diversion is described as being within the NE1/4 SW1/4 Section 26, T.32N., R.64E., M.D.B.&M.

Application 37969<sup>1</sup> was filed on April 19, 1979, by Richard M. Palmer to appropriate 6.0 c.f.s. of water from an underground source to irrigate 320 acres of land within the W1/2 Section 34, T.32N., R.64E., M.D.B.&M. The point of diversion is described as being within the NE1/4 SW1/4 Section 34, T.32N., R.64E., M.D.B.&M.

Application 37970<sup>1</sup> was filed on April 19, 1979, by Richard M. Palmer to appropriate 6.0 c.f.s. of water from an underground source to irrigate 320 acres of land within the W1/2 Section 21, T.32N., R.64E., M.D.B.&M. The point of diversion is described as being within the NE1/4 SW1/4 Section 21, T.32N., R.64E., M.D.B.&M.

Application 37971<sup>1</sup> was filed on April 19, 1979, by Richard M. Palmer to appropriate 6.0 c.f.s. of water from an underground source to irrigate 320 acres of land within the E1/2 Section 22, T.32N., R.64E., M.D.B.&M. The point of diversion is described as being within the SW1/4 NE1/4 Section 22, T.32N., R.64E., M.D.B.&M.

Application 37972<sup>1</sup> was filed on April 19, 1979, by Richard M. Palmer to appropriate 6.0 c.f.s. of water from an underground source to irrigate 320 acres of land within the E1/2 Section 21, T.32N., R.64E., M.D.B.&M. The point of diversion is described as being within the SW1/4 NE1/4 Section 21, T.32N., R.64E., M.D.B.&M.

Application 37973<sup>1</sup> was filed on April 19, 1979, by Richard M. Palmer to appropriate 6.0 c.f.s. of water from an underground source to irrigate 320 acres of land within the E1/2 Section 13, T.32N., R.64E., M.D.B.&M. The point of diversion is described as being within the SW1/4 NE1/4 Section 13, T.32N., R.64E., M.D.B.&M.

Application 37974<sup>1</sup> was filed on April 19, 1979, by Richard M. Palmer to appropriate 6.0 c.f.s. of water from an underground source to irrigate 320 acres of land within the W1/2 Section 35, T.32N., R.64E., M.D.B.&M. The point of diversion is described as being within the NE1/4 SW1/4 Section 35, T.32N., R.64E., M.D.B.&M.

Application 37975<sup>1</sup> was filed on April 19, 1979, by Richard M. Palmer to appropriate 6.0 c.f.s. of water from an underground source to irrigate 320 acres of land within the W1/2 Section 3, T.31N., R.64E., M.D.B.&M. The point of diversion is described as being within the NE1/4 SW1/4 Section 3, T.31N., R.64E., M.D.B.&M.

Application 37976<sup>1</sup> was filed on April 19, 1979, by Richard M. Palmer to appropriate 6.0 c.f.s. of water from an underground source to irrigate 320 acres of land within the E1/2 Section 20, T.32N., R.64E., M.D.B.&M. The point of diversion is described as being within the SW1/4 NE1/4 Section 20, T.32N., R.64E., M.D.B.&M.

FINDINGS

I.

Timely protests<sup>2</sup> to the granting of Applications 37956 through 37976, inclusive, were filed by Loyd Sorensen and Bureau of Land Management.

II.

Records and information<sup>3</sup> available to the State Engineer indicate that Applications 37956 through 37976, inclusive, were filed in support of Desert Land Entry applications.

III.

By letter<sup>4</sup> dated March 2, 1984, the United States Department of Interior, Bureau of Land Management, notified the State Engineer that there were no active applications for Desert Land Entry on file in the Bureau of Land Management office on the lands described under the place of use of Applications 37956 through 37976, inclusive, and that the applicant, Richard M. Palmer had no applications pending for Desert Land Entry.

IV.

The applicant under Applications 37956 through 37976, inclusive, do not own or control the land described under the place of use of the applications.

CONCLUSIONS

I.

The State Engineer has jurisdiction<sup>5</sup> over the matter described herein.

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<sup>2</sup> Public record in the office of the State Engineer under applications to appropriate 37956 through 37976, inclusive.

<sup>3</sup> Public records in the office of the State Engineer.

<sup>4</sup> Public record in the office of the State Engineer under Applications 37956 through 37976, inclusive.

<sup>5</sup> NRS Chapters 533 and 534.

II.

Applications 37956 through 37976, inclusive, were filed in support of Desert Land Entries. There are no active applications filed with the Bureau of Land Management for the lands described under the place of use of each application, therefore, the applicant does not own or control the land described under the place of use of the applications and cannot demonstrate the ability to place the water to beneficial use.

III.

To grant applications to appropriate the public waters 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 and welfare.

RULING

Applications 37956 through 37976, inclusive, are herewith denied on the grounds that to grant the applications 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 and welfare.

Respectfully submitted,



Peter G. Morros  
State Engineer

PGM/BD/bl

Dated this 9th day of

MARCH, 1984.