

IN THE MATTER OF APPLICATIONS 45512)
AND 45632 FILED TO APPROPRIATE THE)
PUBLIC WATERS OF CAMP VALLEY CREEK)
AND AN UNDERGROUND SOURCE WITHIN)
THE SPRING VALLEY GROUND WATER)
BASIN IN LINCOLN COUNTY, NEVADA.)

RULING

GENERAL

Application 45512¹ was filed on April 8, 1982, by Janice Pearson to appropriate 5.4 c.f.s. of water from Camp Valley Creek to irrigate 320 acres of land within portions of Sections 3, 4, 10, 11 and 13, T.4N., R.69E., M.D.B.&M. The point of diversion is described as being within the NE1/4 NE1/4 Section 4, T.4N., R.69E., M.D.B.&M.

Application 45632¹ was filed on May 7, 1982, by Janice Pearson to appropriate 5.4 c.f.s. of water from an underground source to irrigate 320 acres of land within portions of Sections 3, 4, 10, 11 and 13, T.4N., R.69E., M.D.B.&M. The point of diversion is described as being within the SW1/4 NE1/4 Section 10, T.4N., R.69E., M.D.B.&M.

FINDINGS

I.

Records and information² available to the State Engineer indicate that Applications 45512 and 45632 were filed in support of Desert Land Entry applications.

II.

By letter³ dated October 7, 1983, the United States Department of Interior, Bureau of Land Management, notified the State Engineer that the following Desert Land Entry Application had been closed and the case files are dead.

<u>BLM ENTRY NO.</u>	<u>NAME</u>	<u>LAND DESCRIPTION</u>
N-26213	Janice Pearson	T.4N., R.69E., Secs. 3, 4, 10, 11 and 13

¹ Public record in the office of the State Engineer under applications to appropriate 45512 and 45632.

² Public records in the office of the State Engineer.

³ Public record in the office of the State Engineer under Applications 45512 and 45632.

III.

The applicants under Applications 45512 and 45632 do not own or control the land described under the place of use of the applications.

CONCLUSIONS

I.

The State Engineer has jurisdiction⁴ over the matter described herein.

II.

Applications 45512 and 45632 were filed in support of Desert Land Entries. The Desert Land Entry applications described under III of Findings have been closed on the records of the Bureau of Land Management, therefore, the applicants do 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 45512 and 45632 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 15th day of

MARCH, 1984.

⁴ NRS Chapters 533 and 534.