

IN THE MATTER OF APPLICATIONS 32759)
AND 36152 FILED BY LEVAN T. BRACEY)
TO APPROPRIATE SURFACE WATERS FROM)
CATCHMENT BASINS FOR IRRIGATION)
PURPOSES IN WASHOE COUNTY, NEVADA.)

RULING

GENERAL

Application 32759¹ was filed on July 11, 1977, by Levan T. Bracey to appropriate 2.7 c.f.s. of water from a catchment basin in Spanish Springs Valley for irrigation purposes on 160 acres of land under Carey Act application. The proposed point of diversion is within the SW1/4 NW1/4 of Section 8, T.20N., R.20E., M.D.B.&M. The proposed place of use is portions of the NW1/4 Section 8, T.20N., R.20E., M.D.B.&M.

Application 36152² was filed on November 9, 1978, by Levan T. Bracey to change the point of diversion and place of use of 2.7 c.f.s. of water from Application 32759. The new point of diversion is within the SW1/4 SW1/4 Section 5, T.20N., R.20E., M.D.B.&M. The new place of use is within the SW1/4 Section 5, T.20N., R.20E., M.D.B.&M.

FINDINGS OF FACT

I.

In a letter³ dated April 18, 1984, Richard G. Morrison, Chief of Lands and Minerals Operation, Nevada State Office, Bureau of Land Management, U.S. Dept. of the Interior, advised the State Engineer that the public land (NW1/4 of Sec. 8, T.20N., R.20E., M.D.B.&M.), given as the proposed place of use in Application 32759, was patented to the State of Nevada "many years ago". Any application made for subject land would have been rejected based upon the fact the U.S. government no longer had jurisdiction over it.

¹ Application 32759 is a public record on file in the office of the State Engineer.

² Application 36152 is a public record on file in the office of the State Engineer.

³ A letter dated April 18, 1984, from the Bureau of Land Management is a public record filed with Application 32759 in the office of the State Engineer.

II.

In a letter⁴ dated March 29, 1984, Richard G. Morrison, Chief of Lands and Minerals Operations, Nevada State Office, Bureau of Land Management, U.S. Dept. of the Interior, advised the State Engineer that Application N-25995 filed by Levan T. Bracey for Desert Land Entry for Section 5, T.20N., R.20E., M.D.B.&M., which includes the place of use of subject Application 36152, was no longer active and said case file was dead.

CONCLUSIONS

I.

The State Engineer has jurisdiction of the party and subject matter of these applications.⁵

II.

The State Engineer is prohibited by statute from granting a permit under an application to appropriate the public waters where:

- A. there is no unappropriated water at the proposed source, or
- B. the proposed use conflicts with existing rights, or
- C. the proposed use threatens to prove detrimental to the public interest.⁶

III.

The place of use described in Applications 32759 and 36152 are not available for entry to patented land and thus do not have a requirement for water as indicated by the applicant.

⁴ A letter dated March 29, 1984, from the Bureau of Land Management is a public record with Application 36152 in the office of the State Engineer.

⁵ NRS 533.325.

⁶ NRS 533.370, subsection 3.

RULING

Applications 32759 and 36152 are hereby denied on the grounds that issuance of the permits would be contrary to the public interest.

Respectfully submitted



Peter G. Morros
State Engineer

PGM/GC/bl

Dated this 13th day of
JULY, 1984.