

IN THE OFFICE OF THE STATE ENGINEER

IN THE MATTER OF APPLICATIONS 47005)
AND 47006 FILED TO APPROPRIATE THE)
PUBLIC WATERS FROM AN UNDERGROUND)
SOURCE WITHIN THE BIG SMOKY VALLEY)
GROUND WATER BASIN IN NYE COUNTY,)
NEVADA.)

RULING

GENERAL

Application 47005 was filed on June 9, 1983, by Ray L. Wiggins to appropriate 5.4 c.f.s. of water from an underground source to irrigate 320 acres of land within the N1/2 Section 21, T.11N., R.43E., M.D.B.&M. The point of diversion is described as being within the NE1/4 NE1/4 Section 19, T.11N., R.43E., M.D.B.&M.¹

Application 47006 was filed on June 9, 1983, by Del L. Haas to appropriate 5.4 c.f.s. of water from an underground source to irrigate 320 acres of land within the S1/2 Section 21, T.11N., R.43E., M.D.B.&M. The point of diversion is described as being within the NE1/4 SE1/4 Section 19, T.11N., R.43E., M.D.B.&M.¹

FINDINGS

I.

Big Smoky Valley Ground Water Basin was described and designated by the State Engineer on October 24, 1983, as a ground water basin in need of additional administration under the provisions of NRS Chapter 534.²

II.

Records and information available to the State Engineer indicate that Applications 47005 and 47006 were filed in support of Desert Land Entry applications.³

III.

By letter dated July 20, 1984, the United States Department of Interior, Bureau of Land Management, notified the State Engineer that the following Desert Land Entry Applications had been closed and the case files are dead.⁴

¹ Public record in the office of the State Engineer under applications to appropriate 47005 and 47006.

² Public record in the office of the State Engineer - State Engineer's Order No. 827.

³ Public records in the office of the State Engineer.

⁴ Public record in the office of the State Engineer under Applications 47005 and 47007.

<u>BLM ENTRY NO.</u>	<u>NAME</u>	<u>LAND DESCRIPTION</u>
N-21994	Ray L. Wiggins	T.11N., R.43E., Sec. 21
N-21995	Del L. Haas	T.11N., R.43E., Sec. 21

IV.

The applicants under Applications 47005 and 47006 do not own or control the land described under the place of use of the applications.

CONCLUSIONS

I.

The State Engineer has jurisdiction over the matter described herein.⁵

II.

Applications 47005 and 47006 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 47005 and 47006 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 17th day of

SEPTEMBER, 1984.

⁵ NRS Chapters 533 and 534.