

IN THE OFFICE OF THE STATE ENGINEER

IN THE MATTER OF APPLICATION 45023)
FILED TO APPROPRIATE THE PUBLIC)
WATERS FROM AN UNDERGROUND SOURCE)
WITHIN THE HONEY LAKE VALLEY GROUND)
WATER BASIN IN WASHOE COUNTY,)
NEVADA.)

RULING

GENERAL

Application 45023 was filed on November 6, 1981, by Patricia A. Hodges to appropriate 5.4 c.f.s. of water from an underground source to irrigate 320 acres of land within portions of the W1/2 Section 27 and the S1/2 SW1/4 Section 22, T.26N., R.18E., M.D.B.&M. The point of diversion is described as being within the NW1/4 SW1/4 Section 27, T.26N., R.18E., M.D.B.&M.¹

FINDINGS

I.

A timely protest was filed to the granting of Application 45023 by the County of Lassen, California. The grounds of the protest are as follows:²

"1) The proposed Point of Diversion is located approximately 2.7 miles from the Nevada/California (Lassen County) border. 2) Granting of this permit will increase draft within the Nevada portion of Honey Lake Valley. 3) Existing groundwater movement is from California to Nevada. 4) Increased draft within Nevada portion of Honey Lake Valley will, in all probability, increase the hydraulic gradient in favor of the Nevada portion. 5) Flows will be reduced from California to Nevada by increased gradient, thereby reducing groundwater level which would have the effect of impairing existing rights located within California."

II.

Records and information available to the State Engineer indicate that Application 45023 was filed in support of Desert Land Entry application.³

¹ Public record in the office of the State Engineer under application to appropriate 45023.

² Public record in the office of the State Engineer under application to appropriate 45023.

³ Public records in the office of the State Engineer.

III.

By letter dated October 25, 1984, 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 file is dead.⁴

<u>BLM ENTRY NO.</u>	<u>NAME</u>	<u>LAND DESCRIPTION</u>
N-23230	Patricia A. Hodges	T.26N., R.18E., Sec's. 22 and 27.

IV.

The applicant under Application 45023 does not own or control the land described under the place of use of the application.

CONCLUSIONS

I.

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

II.

Application 45023 was filed in support of Desert Land Entry. The Desert Land Entry application described under III of Findings has been closed on the records of the Bureau of Land Management, therefore, the applicant does not own or control the land described under the place of use of the application and cannot demonstrate the ability to place the water to beneficial use.

III.

To grant an application 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.

⁴ Public record in the office of the State Engineer under application to appropriate 45023.

⁵ NRS Chapters 533 and 534.

RULING

Application 45023 is herewith denied on the grounds that to grant the application 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,

A handwritten signature in black ink, appearing to read "Peter G. Morros", written over a horizontal line.

Peter G. Morros
State Engineer

PGM/SW/bl

Dated this 6th day of

December, 1984.