

IN THE OFFICE OF THE STATE ENGINEER

IN THE MATTER OF APPLICATIONS 32543, )  
32544, 32545, 32546, 32547 AND 43916 FILED )  
TO APPROPRIATE; AND APPLICATIONS )  
43641, 43642 AND 44382 FILED TO CHANGE )  
THE POINT OF DIVERSION AND PLACE OF )  
USE OF THE PUBLIC WATERS OF AN )  
UNDERGROUND SOURCE WITHIN THE )  
UPPER REESE RIVER VALLEY GROUND )  
WATER BASIN IN LANDER COUNTY, )  
NEVADA. )

RULING

GENERAL

Application 32543 was filed on June 30, 1977, by Darrell L. Sann to appropriate 2.7 c.f.s. of water from an underground source to irrigate 160 acres of land within the SW1/4 Section 31, T.19N., R.43E., M.D.B.&M. The point of diversion is described as being within the NE1/4 SW1/4 Section 31, T.19N., R.43E., M.D.B.&M. Application 32543 was assigned to Virginia A. Giordano on August 29, 1981.<sup>1</sup>

Application 32544 was filed on June 30, 1977, by Diane S. Hornback to appropriate 2.7 c.f.s. of water from an underground source to irrigate 160 acres of land within the NE1/4 Section 31, T.19N., R.43E., M.D.B.&M. The point of diversion is described as being within the NE1/4 NE1/4 Section 31, T.19N., R.31E., M.D.B.&M.<sup>1</sup>

Application 32545 was filed on June 30, 1977, by Leslie T. Hornback, Jr., to appropriate 2.7 c.f.s. of water from an underground source to irrigate 160 acres of land within the NW1/4 Section 31, T.19N., R.43E., M.D.B.&M. The point of diversion is described as being within the NE1/4 NW1/4 Section 31, T.19N., R.43E., M.D.B.&M.<sup>1</sup>

Application 32546 was filed on June 30, 1977, by Dalana Hornback to appropriate 2.7 c.f.s. of water from an underground source to irrigate 160 acres of land within the SE1/4 Section 30, T.19N., R.43E., M.D.B.&M. The point of diversion is described as being within the NE1/4 SE1/4 Section 30, T.19N., R.43E., M.D.B.&M.<sup>1</sup>

Application 32547 was filed on June 30, 1977, by Leslie T. Hornback, Jr., to appropriate 2.7 c.f.s. of water from an underground source to irrigate 160 acres of land within the SW1/4 Section 30, T.19N., R.43E., M.D.B.&M. The point of diversion is described as being within the NE1/4 SW1/4 Section 30, T.19N., R.43E., M.D.B.&M.<sup>1</sup>

-----  
<sup>1</sup> Public record in the office of the State Engineer under applications to appropriate 32543, 32544, 32545, 32546, 32547, 43641, 43642, 43916 and 44382.

Application 43641 was filed on April 29, 1981, by Leslie T. Hornback to change the point of diversion and place of use of 2.7 c.f.s. of water from an underground source heretofore applied for under Application 32545 to irrigate 160 acres of land within the NW1/4 Section 32, T.19N., R.43E., M.D.B.&M. The point of diversion is described as being within the NE1/4 NW1/4 Section 32, T.19N., R.43E., M.D.B.&M.<sup>1</sup>

Application 43642 was filed on April 29, 1981, by Leslie T. Hornback, Jr., to change the point of diversion and place of use of 2.7 c.f.s. of water from an underground source heretofore applied for under Application 32547 to irrigate 160 acres of land within the SW1/4 Section 29, T.19N., R.43E., M.D.B.&M. The point of diversion is described as being within the NE1/4 SW1/4 Section 29, T.19N., R.43E., M.D.B.&M.<sup>1</sup>

Application 43916 was filed on June 17, 1981, by Roy E. Ford to appropriate 5.4 c.f.s. of water from an underground source to irrigate 320 acres of land within the NW1/4 and SE1/4 Section 28, T.19N., R.43E., M.D.B.&M. The point of diversion is described as being within the NW1/4 NW1/4 Section 28, T.19N., R.43E., M.D.B.&M.<sup>1</sup>

Application 44382 was filed on September 2, 1981, by Darrell L. Sann to change the point of diversion and place of use of 2.7 c.f.s. of water from an underground source heretofore applied for under Application 32543 to irrigate 160 acres of land within the SW1/4 Section 32, T.19N., R.43E., M.D.B.&M. The point of diversion is described as being within the NE1/4 SW1/4 Section 32, T.19N., R.43E., M.D.B.&M.<sup>1</sup>

### FINDINGS

#### I.

Records and information available to the State Engineer indicate that Applications 32543, 32544, 32545, 32546, 32547, 43641, 43642, 43916 and 44382 were filed in support of Desert Land Entry and Carey Act applications.<sup>2</sup>

#### II.

By letter dated November 4, 1984, the United States Department of Interior, Bureau of Land Management, notified the State Engineer that the following Desert Land Entry and Carey Act applications had been closed and the case files are dead.<sup>3</sup>

<u>BLM ENTRY NO.</u>	<u>NAME</u>	<u>LAND DESCRIPTION</u>
N-33423	Ray E. Ford	T.19N., R.43E., Sec. 28
N-40319	Darrell L. Sann	T.19N., R.43E., Sec. 32
N-40320	Diane S. Hornback	T.19N., R.43E., Sec. 31
N-40321	Leslie T. Hornback	T.19N., R.43E., Sec. 32
N-40322	Dalana Hornback	T.19N., R.43E., Sec. 30
N-40323	Leslie T. Hornback, Jr.	T.19N., R.43E., Sec. 29

-----  
<sup>2</sup> Public records in the office of the State Engineer.

<sup>3</sup> Public record in the office of the State Engineer under Applications 32543, 32544, 32545, 32546, 32547, 43641, 43642, 43916 and 44382.

III.

The applicants under Applications 32543, 32544, 32545, 32546, 32547, 43641, 43642, 43916 and 44382 do not own or control the land described under the place of use of the applications.

IV.

The Carey Act applications supported by water Applications 32543, 32545 and 32547 have been cancelled on the records of the Division of State Lands, Department of Conservation and Natural Resources, State of Nevada.<sup>4</sup>

CONCLUSIONS

I.

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

II.

Applications 32543, 32544, 32545, 32546, 32547, 43641, 43642, 43916 and 44382 were filed in support of Desert Land Entry and Carey Act applications. The Desert Land Entry and Carey Act applications described under II 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.

---

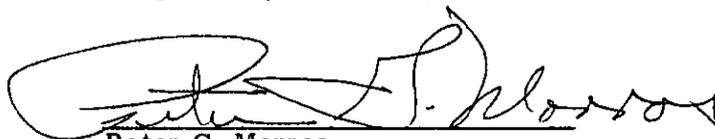
<sup>4</sup> Public records in the office of the Division of State Lands.

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

RULING

Applications 32543, 32544, 32545, 32546, 32547, 43641, 43642, 43916 and 44382 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/SW/bl

Dated this 10th day of  
February, 1986