

IN THE OFFICE OF THE STATE ENGINEER

IN THE MATTER OF APPLICATIONS 41960,)
42017, 42490, 42495, 42601 AND 42826 FILED)
TO APPROPRIATE THE PUBLIC WATERS)
FROM AN UNDERGROUND SOURCE WITHIN)
THE PUMPERNICKEL VALLEY GROUND)
WATER BASIN IN HUMBOLDT COUNTY,)
NEVADA.)

RULING

GENERAL

Application 41960 was filed on August 1, 1980, by Anna M. Wanner to appropriate 5.4 c.f.s. of water from an underground source to irrigate 320 acres of land within the E1/2 Section 36, T.34N., R.40E., M.D.B.&M. The point of diversion is described as being within the NE1/4 SE1/4 Section 36, T.34N., R.40E., M.D.B.&M.¹

Application 42017 was filed on August 14, 1980, by Mark J. Wanner to appropriate 5.4 c.f.s. of water from an underground source to irrigate 320 acres of land within the E1/2 Section 2, T.33N., R.40E., M.D.B.&M. The point of diversion is described as being within the NE1/4 SE1/4 Section 2, T.33N., R.40E., M.D.B.&M.¹

Application 42490 was filed on September 23, 1980, by Nancy A. Warren to appropriate 5.4 c.f.s. of water from an underground source to irrigate 320 acres of land within the S1/2 Section 2, T.34N., R.41E., M.D.B.&M. The point of diversion is described as being within the SW1/4 SE1/4 Section 2, T.34N., R.41E., M.D.B.&M.¹

Application 42495 was filed on September 23, 1980, by Dennis W. Geil to appropriate 5.4 c.f.s. of water from an underground source to irrigate 320 acres of land within the E1/2 Section 12, T.34N., R.41E., M.D.B.&M. The point of diversion is described as being within the SE1/4 NE1/4 Section 12, T.34N., R.41E., M.D.B.&M.¹

Application 42601 was filed on October 8, 1980, by Dixon W. Ufer to appropriate 5.4 c.f.s. of water from an underground source to irrigate 320 acres of land within the W1/2 Section 12, T.34N., R.41E., M.D.B.&M. The point of diversion is described as being within the SW1/4 NW1/4 Section 12, T.34N., R.41E., M.D.B.&M.¹

Application 42826 was filed on November 14, 1980, by Billie H. Brinkman to appropriate 5.4 c.f.s. of water from an underground source to irrigate 320 acres of land within the E1/2 Section 10, T.34N., R.41E., M.D.B.&M. The point of diversion is described as being within the SW1/4 NE1/4 Section 10, T.34N., R.41E., M.D.B.&M.¹

¹ Public records in the office of the State Engineer.

FINDINGS

I.

Records and information available to the State Engineer indicate that Applications 41960, 42017, 42490, 42495, 42601 and 42826 were filed in support of Desert Land Entry applications.¹

II.

By letter dated April 16, 1986, 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.¹

<u>BLM ENTRY NO.</u>	<u>NAME</u>	<u>LAND DESCRIPTION</u>
N-30453	Anna M. Wanner	T.34N., R.40E., Sec. 36
N-30595	Mark J. Wanner	T.33N., R.40E., Sec. 2
N-30323	Nancy Warren	T.34N., R.41E., Sec. 2
N-30000	Dennis Geil	T.34N., R.41E., Sec. 12
N-30012	Dixon W. Ufer	T.34N., R.41E., Sec. 12
N-30013	Billie Brinkman	T.34N., R.41E., Sec.10

III.

The applicants under Applications 41960, 42017, 42490, 42495, 42601 and 42826 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.²

II.

Applications 41960, 42017, 42490, 42495, 42601 and 42826 were filed in support of Desert Land Entries. The Desert Land Entry 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.

² NRS Chapters 533 and 534.

RULING

Applications 41960, 42017, 42490, 42495, 42601 and 42826 are herewith denied on the grounds that to grant the applications for irrigation purposes on lands that the applicants do 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", is written over a horizontal line. The signature is enclosed in a hand-drawn oval.

Peter G. Morros
State Engineer

PGM/SW/bl

Dated this 13th day of
March, 1987.