

IN THE OFFICE OF THE STATE ENGINEER  
IN THE STATE OF NEVADA

IN THE MATTER OF APPLICATIONS 42662, 42664,) )  
42666 AND 47375 FILED TO APPROPRIATE THE ) )  
PUBLIC WATERS FROM AN UNDERGROUND SOURCE ) )  
WITHIN THE BIG SMOKY VALLEY (NORTHERN PART)) )  
GROUND WATER BASIN IN NYE COUNTY, NEVADA. )

RULING

GENERAL

Application 42662 was filed on October 15, 1980 by Zimmerman Ranching Corp. and was later assigned to Velda Sue Zimmerman to appropriate 5.4 c.f.s. of water from an underground source to irrigate 320 acres of land within the E1/2 Section 7, T.12N., R.43E., M.D.B.&M. The point of diversion is described as being within the SW1/4 SE1/4 Section 7, T.12N., R.43E., M.D.B.&M.<sup>1</sup>

Application 42666 was filed on October 15, 1980 by Zimmerman Ranching Corp. and was later assigned to Arnold A. Zimmerman to appropriate 5.4 c.f.s. of water from an underground source to irrigate 320 acres of land within the S1/2 Section 5, T.12N., R.43E., M.D.B.&M. The point of diversion is described as being within the SW1/4 SW1/4 Section 5, T.12N., R.43E., M.D.B.&M.<sup>1</sup>

Application 42664 was filed on October 15, 1980 by Zimmerman Ranching Corp. and was later assigned to Ross E. Zimmerman to appropriate 5.4 c.f.s. of water from an underground source to irrigate 320 acres of land within the NW1/4 NE1/4, N1/2 NW1/4, SW1/4 NW1/4 and W1/2 SW1/4 of Section 18, T.12N., R.43E., M.D.B.&M. The point of diversion is described as being within the SE1/4 SE1/4 Section 13, T.12N., R.42E., M.D.B.&M.<sup>1</sup>

Application 47375 was filed on November 1, 1983 by Zimmerman Ranching Corp. and was later assigned to Ross E. Zimmerman to change the point of diversion and place of use of 5.4 c.f.s. of water, heretofore applied for under Application 42664. The proposed use is for irrigation of 320 acres within the E1/2 of Section 6, T.12N., R.43E., M.D.B.&M. The proposed point of

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<sup>1</sup> Public record in the office of the State Engineer.

diversion is described as being within the SW1/4 SE1/4 Section 6, T.12N., R.42E., M.D.B.&M. The existing point of diversion is described as being within the SE1/4 SE1/4 Section 13, T.12N., R.42E., M.D.B.&M.<sup>1</sup>

FINDINGS

I.

Records and information available to the State Engineer indicate that Applications 42662, 42664, 42666 and 47375 were filed in support to Desert Land Entry applications.<sup>2</sup>

II.

By letter dated October 17, 1989, 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.<sup>2</sup>

<u>BLM ENTRY NO.</u>	<u>NAME</u>	<u>LAND DESCRIPTION</u>
N-39015	Velda Sue Zimmerman	T.12N., R.43E., Sec. 7 E1/2
N-39016	Arnold A. Zimmerman	T.12N., R.43E., Sec. 5 S1/2
N-39014	Ross E. Zimmerman	T.12N., R.43E., Sec. 6 E1/2

III.

The applicants under Applications 42662, 42664, 42666 and 47375 do not own or control the land described under the place of use of the applications.

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<sup>2</sup> Public record in the Office of the State Engineer filed under Applications 42662, 42664, 42666 and 47375.

CONCLUSIONS

I.

The State Engineer has jurisdiction over the matter described herein.<sup>3</sup>

II.

Applications 42662, 42664, 42666 and 47375 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.

RULING

Applications 42662, 42664, 42666 and 47375 are herewith denied on the grounds that to grant these 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,



R. MICHAEL TURNIPSEED, P.E.  
State Engineer

RMT/SW/pm

Dated this 19th day of

December, 1990

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<sup>3</sup> NRS Chapters 533 and 534.