

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

IN THE MATTER OF APPLICATIONS 49026)  
AND 49512 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

#3839

GENERAL

I.

Application 49026 was filed on May 3, 1985 by Carolyn J. Fisher to appropriate 5.4 c.f.s. of water from an underground source to irrigate 320 acres of land within the W1/2 SW1/4 Section 1, S1/2 S1/2 S1/2 SW1/4 NE1/4 and SE1/4 Section 2, NE1/4 NE1/4 excepting the S1/2 S1/2 S1/2 NE1/4 NE1/4 Section 11, all located with T.10N., R.43E., M.D.B.&M. The point of diversion is described as being within the NW1/4 SE1/4 Section 2, T.10N., R.43E., M.D.B.&M.<sup>1</sup>

II.

Application 49512 was filed on November 18, 1985 by Carolyn J. Fisher to change the point of diversion and place of use of 5.4 c.f.s. of water heretofore requested under Application 49026. The proposed use is for irrigation of 320 acres of land within the E1/2 SW1/4, and the SE1/4 Section 2; NE1/4 NW1/4 and NW1/4 NE1/4 excepting the S1/2 S1/2 S1/2 NW1/4 NE1/4 Section 11; all located within T.10N., R.43E., M.D.B.&M. The point of diversion is described as being within the NW1/4 SE1/4 Section 2, T.10N., R.43E., M.D.B.&M. The existing point of diversion is described as being within the NW1/4 SE1/4 Section 2, T.10N., R.43E., M.D.B.&M.<sup>1</sup>

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

FINDINGS OF FACT

I.

Records and information available to the State Engineer indicate that Applications 49026 and 49512 were filed in support of a Desert Land Entry application and the place of use of said applications is on public land.<sup>2</sup>

II.

By letter dated September 4, 1991, 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.<sup>2</sup>

<u>BLM ENTRY NO.</u>	<u>NAME</u>	<u>LAND DESCRIPTION</u>
N-42342	Carolyn J. Fisher	T.10N., R.43E., Sec. 2, S1/2 S1/2 S1/2 SE1/4 NW1/4, SE1/4, E1/2 SW1/4.

CONCLUSIONS

I.

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

II.

Applications 49026 and 49512 were filed in support of a Desert Land Entry. The Desert Land Entry application described under II 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 applications and cannot demonstrate the ability to place the water to beneficial use.

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<sup>2</sup> Public record in the office of the State Engineer filed under Applications 49026 and 49512.

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

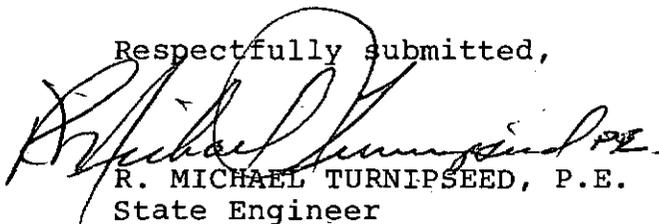
III.

To grant applications to appropriate the public water 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 49026 and 49512 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,



R. MICHAEL TURNIPSEED, P.E.  
State Engineer

RMT/SW/pm

Dated this 17th day of  
October 1991.