

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

IN THE MATTER OF APPLICATIONS 42204, 42205,)
42232, 42233, 42236, 42237, 42252, 42253,)
42266, 42267, 42272, 42273, 42290, 42291,)
42292, 42293, 42302, 42303, 43032, 43033,)
43036, 43037, 43038, 43039, 43057, 43058,)
43059 AND 43060 FILED TO APPROPRIATE THE)
PUBLIC WATERS FROM AN UNDERGROUND SOURCE)
WITHIN THE SPRING VALLEY GROUND WATER BASIN)
IN WHITE PINE COUNTY, NEVADA.)

RULING
3882

GENERAL

I.

Application 42204¹ was filed on August 27, 1980, by James E. Elliott, Jr. to appropriate 5.4 c.f.s. of water from an underground source for irrigation and domestic purposes on 320 acres of land within the N1/2 Section 17, T.13N., R.67E., M.D.B.&M. The point of diversion is described as being within the SW1/4 NW1/4 Section 17, T.13N., R.67E., M.D.B.&M.

Application 42205¹ was filed on August 27, 1980, by James E. Elliot, Jr. to appropriate 5.4 c.f.s. of water from an underground source for irrigation and domestic purposes on 320 acres of land within the N1/2 Section 17, T.13N., R.67E., M.D.B.&M. The point of diversion is described as being within the SW1/4 NE1/4 Section 17, T.13N., R.67E., M.D.B.&M.

Application 42232¹ was filed on August 28, 1980, by Charles R. Bell, Jr. to appropriate 5.4 c.f.s. of water from an underground source for irrigation and domestic purposes on 320 acres of land within the S1/2 of Section 8, T.10N., R.67E., M.D.B.&M. The point of diversion is described as being within the NW1/4 SW1/4 Section 8, T.10N., R.67E., M.D.B.&M.

Application 42233¹ was filed on August 28, 1980, by Charles R. Bell, Jr. to appropriate 5.4 c.f.s. of water from an

¹ Public record in the office of the State Engineer filed under the respective applications.

underground source for irrigation and domestic purposes on 320 acres of land within the S1/2 of Section 8, T.10N., R.67E., M.D.B.&M. The point of diversion is described as being within the NW1/4 SE1/4 Section 8, T.10N., R.67E., M.D.B.&M.

Application 42236¹ was filed on August 28, 1980, by Kathleen G. Bell to appropriate 5.4 c.f.s. of water from an underground source for irrigation and domestic purposes on 320 acres of land within the N1/2 of Section 8, T.10N., R.67E., M.D.B.&M. The point of diversion is described as being within the NW1/4 NW1/4 Section 8, T.10N., R.67E., M.D.B.&M.

Application 42237¹ was filed on August 28, 1980, by Kathleen G. Bell to appropriate 5.4 c.f.s. of water from an underground source for irrigation and domestic purposes on 320 acres of land within the N1/2 of Section 8, T.10N., R.67E., M.D.B.&M. The point of diversion is described as being within the NW1/4 NE1/4 Section 8, T.10N., R.67E., M.D.B.&M.

Application 42252¹ was filed on August 28, 1980, by Frank Canul to appropriate 5.4 c.f.s. of water from an underground source for irrigation and domestic purposes on 320 acres of land within the N1/2 of Section 4, T.10N., R.67E., M.D.B.&M. The point of diversion is described as being within the SW1/4 NE1/4 Section 4, T.10N., R.67E., M.D.B.&M.

Application 42253¹ was filed on August 28, 1980, by Frank Canul to appropriate 5.4 c.f.s. of water from an underground source for irrigation and domestic purposes on 320 acres of land within the N1/2 of Section 4, T.10N., R.67E., M.D.B.&M. The point of diversion is described as being within the SW1/4 NW1/4 Section 4, T.10N., R.67E., M.D.B.&M.

Application 42266¹ was filed on August 28, 1980, by John A. Ramsey to appropriate 5.4 c.f.s. of water from an underground source for irrigation and domestic purposes on 320 acres of land within the E1/2 of Section 7, T.10N., R.67E., M.D.B.&M. The point of diversion is described as being within the NE1/4 NE1/4 Section 7, T.10N., R.67E., M.D.B.&M.

Application 42267¹ was filed on August 28, 1980, by John A. Ramsey to appropriate 5.4 c.f.s. of water from an underground source for irrigation and domestic purposes on 320 acres of land within the E1/2 of Section 7, T.10N., R.67E., M.D.B.&M. The point of diversion is described as being within the NE1/4 SE1/4 Section 7, T.10N., R.67E., M.D.B.&M.

Application 42272¹ was filed on August 28, 1980, by James A. Bell to appropriate 5.4 c.f.s. of water from an underground source for irrigation and domestic purposes on 320 acres of land within the S1/2 of Section 4, T.10N., R.67E., M.D.B.&M. The point of diversion is described as being within the NW1/4 SE1/4 Section 4, T.10N., R.67E., M.D.B.&M.

Application 42273¹ was filed on August 28, 1980, by James A. Bell to appropriate 5.4 c.f.s. of water from an underground source for irrigation and domestic purposes on 320 acres of land within the S1/2 of Section 4, T.10N., R.67E., M.D.B.&M. The point of diversion is described as being within the NW1/4 SW1/4 Section 4, T.10N., R.67E., M.D.B.&M.

Application 42290¹ was filed on August 28, 1980, by Jean Paglia to appropriate 5.4 c.f.s. of water from an underground source for irrigation and domestic purposes on 320 acres of land within the S1/2 of Section 5, T.10N., R.67E., M.D.B.&M. The point of diversion is described as being within the NE1/4 SE1/4 Section 5, T.10N., R.67E., M.D.B.&M.

Application 42291¹ was filed on August 28, 1980, by Jean Paglia to appropriate 5.4 c.f.s. of water from an underground source for irrigation and domestic purposes on 320 acres of land within the S1/2 of Section 5, T.10N., R.67E., M.D.B.&M. The point of diversion is described as being within the NE1/4 SW1/4 Section 5, T.10N., R.67E., M.D.B.&M.

Application 42292¹ was filed on August 28, 1980, by Raymond D. Paglia to appropriate 5.4 c.f.s. of water from an underground source for irrigation and domestic purposes on 320 acres of land within the N1/2 Section 5, T.10N., R.67E., M.D.B.&M. The point

of diversion is described as being within the NE1/4 NW1/4 Section 5, T.10N., R.67E., M.D.B.&M.

Application 42293¹ was filed on August 28, 1980, by Raymond D. Paglia to appropriate 5.4 c.f.s. of water from an underground source for irrigation and domestic purposes on 320 acres of land within the N1/2 Section 5, T.10N., R.67E., M.D.B.&M. The point of diversion is described as being within the NE1/4 NE1/4 Section 5, T.10N., R.67E., M.D.B.&M.

Application 42302¹ was filed on August 28, 1980, by David L. Cash to appropriate 5.4 c.f.s. of water from an underground source for irrigation and domestic purposes on 320 acres of land within the W1/2 of Section 6, T.11N., R.67E., M.D.B.&M. The point of diversion is described as being within the SW1/4 NW1/4 Section 6, T.11N., R.67E., M.D.B.&M.

Application 42303¹ was filed on August 28, 1980, by David L. Cash to appropriate 5.4 c.f.s. of water from an underground source for irrigation and domestic purposes on 320 acres of land within the W1/2 of Section 6, T.11N., R.67E., M.D.B.&M. The point of diversion is described as being within the SW1/4 SW1/4 Section 6, T.11N., R.67E., M.D.B.&M.

Application 43032¹ was filed on January 2, 1981, by Mary K. Neal to appropriate 5.4 c.f.s. of water from an underground source for irrigation and domestic purposes on 320 acres of land within the N1/2 of Section 21, T.10N., R.67E., M.D.B.&M. The point of diversion is described as being within the NE1/4 NW1/4 Section 21, T.10N., R.67E., M.D.B.&M.

Application 43033¹ was filed on January 2, 1981, by Mary K. Neal to appropriate 5.4 c.f.s. of water from an underground source for irrigation and domestic purposes on 320 acres of land within the N1/2 of Section 21, T.10N., R.67E., M.D.B.&M. The point of diversion is described as being within the NE1/4 NE1/4 Section 21, T.10N., R.67E., M.D.B.&M.

Application 43036¹ was filed on January 2, 1981, by Richard Brandz to appropriate 5.4 c.f.s. of water from an underground source for irrigation and domestic purposes on 320 acres of land within the N1/2 of Section 17, T.10N., R.67E., M.D.B.&M. The point of diversion is described as being within the NE1/4 NW1/4 Section 17, T.10N., R.67E., M.D.B.&M.

Application 43037¹ was filed on January 2, 1981, by Richard Brandz to appropriate 5.4 c.f.s. of water from an underground source for irrigation and domestic purposes on 320 acres of land within the N1/2 of Section 17, T.10N., R.67E., M.D.B.&M. The point of diversion is described as being within the NE1/4 NE1/4 Section 17, T.10N., R.67E., M.D.B.&M.

Application 43038¹ was filed on January 2, 1981, by Gerald F. Neal to appropriate 5.4 c.f.s. of water from an underground source for irrigation and domestic purposes on 320 acres of land within the S1/2 of Section 16, T.10N., R.67E., M.D.B.&M. The point of diversion is described as being within the NE1/4 SW1/4 Section 16, T.10N., R.67E., M.D.B.&M.

Application 43039¹ was filed on January 2, 1981, by Gerald F. Neal to appropriate 5.4 c.f.s. of water from an underground source for irrigation and domestic purposes on 320 acres of land within the S1/2 of Section 16, T.10N., R.67E., M.D.B.&M. The point of diversion is described as being within the NE1/4 SE1/4 Section 16, T.10N., R.67E., M.D.B.&M.

Application 43057¹ was filed on January 6, 1981, by Donovan Burke to appropriate 5.4 c.f.s. of water from an underground source for irrigation and domestic purposes on 320 acres of land within the N1/2 of Section 18, T.10N., R.67E., M.D.B.&M. The point of diversion is described as being within the NE1/4 NE1/4 Section 18, T.10N., R.67E., M.D.B.&M.

Application 43058¹ was filed on January 6, 1981, by Donovan Burke to appropriate 5.4 c.f.s. of water from an underground source for irrigation and domestic purposes on 320 acres of land within the N1/2 of Section 18, T.10N., R.67E., M.D.B.&M. The

point of diversion is described as being within the NE1/4 NW1/4 Section 18, T.10N., R.67E., M.D.B.&M.

Application 43059¹ was filed on January 6, 1981, by John G. Boogades to appropriate 5.4 c.f.s. of water from an underground source for irrigation and domestic purposes on 320 acres of land within the S1/2 of Section 18, T.10N., R.67E., M.D.B.&M. The point of diversion is described as being within the NE1/4 SW1/4 Section 18, T.10N., R.67E., M.D.B.&M.

Application 43060¹ was filed on January 6, 1981, by John G. Boogades to appropriate 5.4 c.f.s. of water from an underground source for irrigation and domestic purposes on 320 acres of land within the S1/2 of Section 18, T.10N., R.67E., M.D.B.&M. The point of diversion is described as being within the NE1/4 SE1/4 Section 18, T.10N., R.67E., M.D.B.&M.

FINDINGS OF FACT

I.

Records and information available to the State Engineer indicate that Applications 42204, 42205, 42232, 42233, 42236, 42237, 42252, 42253, 42266, 42267, 42272, 42273, 42290, 42291, 42292, 42293, 42302, 42303, 43032, 43033, 43036, 43037, 43038, 43039, 43057, 43058, 43059 and 43060 were filed in support of Desert Land Entry applications.¹

II.

By letter dated December 4, 1991, the United States Department of the Interior, Bureau of Land Management notified the State Engineer that no record of any corresponding Desert Land Entry Applications was found for Applications 42204, 42205, 42232, 42233, 42236, 42237, 42252, 42253, 42266, 42267, 42272, 42273, 42290, 42291, 42292, 42293, 42302, 42303, 43032, 43033, 43036, 43037, 43038, 43039, 43057, 43058, 43059 and 43060.

III.

The applicants under Applications 42204, 42205, 42232, 42233, 42236, 42237, 42252, 42253, 42266, 42267, 42272, 42273,

42290, 42291, 42292, 42293, 42302, 42303, 43032, 43033, 43036, 43037, 43038, 43039, 43057, 43058, 43059 and 43060 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 42204, 42205, 42232, 42233, 42236, 42237, 42252, 42253, 42266, 42267, 42272, 42273, 42290, 42291, 42292, 42293, 42302, 42303, 43032, 43033, 43036, 43037, 43038, 43039, 43057, 43058, 43059 and 43060 were filed in support of Desert Land Entries. The Department of the Interior, Bureau of Land Management has no pending Desert Land Entry Applications which correspond to the above referenced applications, 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.

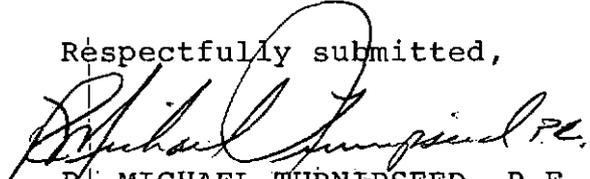
To grant applications to appropriate the public water for irrigation on lands the applicant does not own or control, or where the applicant cannot demonstrate the ability to place the water to beneficial use, would not be in the public interest and welfare.

² NRS Chapters 533 and 534.

RULING

Applications 42204, 42205, 42232, 42233, 42236, 42237, 42252, 42253, 42266, 42267, 42272, 42273, 42290, 42291, 42292, 42293, 42302, 42303, 43032, 43033, 43036, 43037, 43038, 43039, 43057, 43058, 43059 and 43060 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/MR/pm

Dated this 20th day of
March 1992.