

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

IN THE MATTER OF APPLICATIONS 38011 and )  
38012 FILED TO APPROPRIATE THE PUBLIC )  
WATERS FROM AN UNDERGROUND SOURCE )  
WITHIN THE CALIFORNIA WASH GROUNDWATER )  
BASIN IN CLARK COUNTY, NEVADA. )

RULING

# 3883

GENERAL

Application 38011<sup>1</sup> was filed on April 24, 1979 by James W. Chamberland to appropriate 2.7 c.f.s. of water from an underground source for irrigation and domestic purposes on 20 acres of land within the NW $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 33, T.15S., R.65E., M.D.B.&M. The point of diversion is described as being within the NW $\frac{1}{4}$  SE $\frac{1}{4}$  Section 33, T.15S., R.65E., M.D.B.&M.

Application 38012<sup>1</sup> was filed on April 24, 1979 by Myrna Louviere to appropriate 2.7 c.f.s. of water from an underground source for irrigation and domestic purposes on 20 acres of land within the SW $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 33, T.15S., R.65E., M.D.B.&M. The point of diversion is described as being within the SW $\frac{1}{4}$  NE $\frac{1}{4}$  Section 33, T.15S., R.65E., M.D.B.&M.

FINDINGS OF FACT

I.

Records and information available to the State Engineer indicate that Applications 38011 and 38012 were filed on public land. In the remarks section of the application, the applicant states the applications are associated with Carey Act.<sup>1</sup>

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

II.

By letter dated December 4, 1991, the United States Department of Interior, Bureau of Land Management, notified the State Engineer that there is no record of Carey Act Applications or any other applications pending before them that correspond to the points of diversion and place of use of Applications 38011 and 38012.<sup>1</sup>

CONCLUSIONS

I.

The State Engineer has jurisdiction over the matter described herein.<sup>2</sup>

II.

The State Engineer is prohibited by law from granting a permit where:

- A. There is no unappropriated water at the proposed source, or
- B. The proposed use conflicts with existing rights, or
- C. The proposed use threatens to prove detrimental to the public interest.<sup>3</sup>

III.

Applications 38011 and 38012 were filed in support of Carey Act Entries with points of diversion and place of use on public land. The United States Department of Interior, Bureau of Land

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<sup>2</sup> NRS Chapters 533 and 534.

<sup>3</sup> NRS Chapter 533.370 subsection 3.

Management, has no record of any land applications that correspond to the above referenced water right applications, therefore, the applicants do not own or control the land described under the points of diversion and 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.

RULING

Applications 38011 and 38012 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.

Respectfully submitted,

  
R. MICHAEL TURNIPSEED  
State Engineer

RMT/MJR/bk

Dated this 23rd day of  
MARCH, 1992.