

IN THE MATTER OF APPLICATION NO. 13109)
IN NAME OF WILLIAM DEWEY GLENN TO :
APPROPRIATE UNDERGROUND WATER IN FISH :
LAKE VALLEY, ESMERALDA COUNTY, NEVADA.)

RULING

Application No. 13109 was filed October 17, 1949 by William Dewey Glenn to appropriate 4.0 c.f.s. of underground water for the irrigation of 320 acres of land. The proposed point of diversion is located in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 3, T. 2 S., R. 35 E., M.D.M. and the land to be irrigated is described as the NE $\frac{1}{4}$ SE $\frac{1}{4}$; SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Sec. 3; N $\frac{1}{2}$ of SW $\frac{1}{4}$ of Sec. 2, R. 35 E.; and NW $\frac{1}{4}$ of Sec. 2, R. 35 E., M.D.B.&M.

The notice of this application was duly published in the Goldfield News, as prescribed by law, and on April 12, 1950 a protest was filed by Rex B. Clark to the granting of a permit under said application. The basis of said protest is as follows:

"That there is no unappropriated water in the area covered by the application; that the land upon which the proposed well is to be drilled is covered by a prior filing made by this protestant for grazing purposes based upon the Arlemont Ranch owned by this protestant; that the homestead entry on which the water is to be used has not been approved and has been protested because of a prior lease filing covering the same land made by this protestant. That the granting of the application would be against public policy in that the protestant is informed and believes and therefore alleges on information and belief that water can not be developed on this tract in sufficient quantities at an economic cost to warrant the granting of the application, and that it is not a feasible project."

The matter of action on this application is now before this office.

ACTION BY THE BUREAU OF LAND MANAGEMENT

On September 25, 1950 the Bureau of Land Management, through the Nevada Land and Survey Office, issued its decision on homestead and desert land applications filed in Fish Lake Valley. The application of William Dewey Glenn was among those held for rejection for the reason the application did not embrace lands that contained good soil in sufficient amount to constitute an economic unit.

This decision was affirmed by the Director of the Bureau of Land Management on April 9, 1951 and the decision became final and the applications were closed on October 22, 1951.

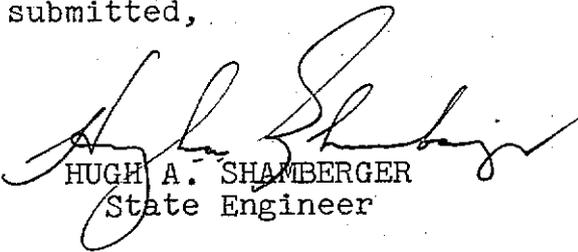
RULING

Under the ruling of the Bureau of Land Management the homestead application of William Dewey Glenn was rejected and finally closed on October 22, 1951.

By ruling of the Bureau of Land Management, the contentions of the protestant, Rex B. Clark, are sustained in part, and the protest is herewith sustained; however, the statement that there is no unappropriated ground water is overruled as such finding has not been established.

Application No. 13109 to appropriate underground water by William Dewey Glenn is denied as the applicant cannot obtain the land upon which the water is to be placed in use.

Respectfully submitted,


HUGH A. SHAMBERGER
State Engineer

January 18, 1952.