

705

IN THE MATTER OF APPLICATION 20415)
FILED APRIL 16, 1962, BY SIDNEY H.)
SMYTH AND SIDNEY SMYTH TO APPROPRIATE)
2.7 C.F.S. OF THE WATER FROM AN UNDER-)
GROUND SOURCE FOR IRRIGATION AND)
DOMESTIC PURPOSES IN LANDER COUNTY,)
NEVADA)

R U L I N G

Description of Application 20415:

This application was filed by Sidney H. Smyth and Sidney Smyth to appropriate 2.7 c.f.s. of the water from an underground source at a point within the SE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 10, T. 32 N., R. 44 E., M.D.B.&M., or at a point from which the E $\frac{1}{4}$ corner of said Sec. 10, bears S. 78° 42' E. 51.0 feet to irrigate 160 acres of land within the NE $\frac{1}{4}$ Sec. 10, T. 32 N., R. 44 E., M.D.B.&M. and for domestic purposes. Period of use of water is the year round.

General:

The point of diversion under Application 20415 is the same as that under Certificate 5075 issued June 23, 1961, to Sidney H. Smyth under Application 14278. This certificate was issued for 2.79 c.f.s. but not to exceed 80 acre-feet of water during the period from January 1 to December 31 of each year under a priority of appropriation of May 5, 1952. Twenty acres of land within the S $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 10, T. 32 N., R. 44 E., M.D.B.&M. is irrigated under this certificate.

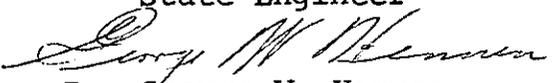
Information from U. S. Bureau of Land Management, Nevada Land Office, Reno, Nevada, indicates your desert land application Nev-03197 for the NE $\frac{1}{4}$ Section 10, was allowed in part to the extent that the S $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 10, T. 32 N., R. 44 E., M.D.B.&M. was patented on January 8, 1964. In view of the fact that as of this date, applicant does not have a right to the remaining portion of the land in the NE $\frac{1}{4}$ of said Section 10 he would not have control of this land on which he plans to place the water to beneficial use.

RULING

Application 20415 is hereby denied on the grounds that the applicant does not have control of the land on which he plans to place the water to beneficial use, and that its granting would be detrimental to the public welfare.

Respectively submitted,

ELMO J. DeRICCO
State Engineer



By: George W. Hennen
Assistant State Engineer

Dated this 11th day of
May, 1964