

IN THE MATTER OF APPLICATIONS 37244)
AND 37245 FILED TO APPROPRIATE THE)
PUBLIC WATERS FROM AN UNDERGROUND)
SOURCE WITHIN THE BIG SMOKY VALLEY)
GROUND WATER BASIN IN NYE COUNTY,)
NEVADA.)

RULING

GENERAL

Application 37244¹ was filed on March 27, 1979, by Claudia Ane Christensen to appropriate 5.4 c.f.s. of water from an underground source to irrigate 320 acres of land within the W1/2 Section 34, T.10N., R.43E., M.D.B.&M. The point of diversion is described as being within the NE1/4 SW1/4 Section 34, T.10N., R.43E., M.D.B.&M.

Application 37245¹ was filed on March 27, 1979, by Claudia Ane Christensen to appropriate 5.4 c.f.s. of water from an underground source to irrigate 320 acres of land within the W1/2 Section 34, T.10N., R.43E., M.D.B.&M. The point of diversion is described as being within the SE1/4 SW1/4 Section 34, T.10N., R.43E., M.D.B.&M.

FINDINGS

I.

Big Smoky Valley Ground Water Basin was described and designated² by the State Engineer on October 24, 1983, as a ground water basin in need of additional administration under the provisions of NRS Chapter 534.

II.

Records and information³ available to the State Engineer indicate that Applications 37244 and 37245 were filed in support of Desert Land Entry applications.

¹ Public record in the office of the State Engineer under applications to appropriate 37244 and 37245.

² Public record in the office of the State Engineer - State Engineer's Order No. 827. See also transcript of public hearing before the State Engineer on September 22, 1983. NRS 534.030.

³ Public records in the office of the State Engineer.

III.

By letter⁴ dated September 26, 1983, 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 files are dead.

<u>BLM ENTRY NO.</u>	<u>NAME</u>	<u>LAND DESCRIPTION</u>
N-22852	Claudia Ane Christensen	T.10N., R.43E., Sec. 34

IV.

The applicants under Applications 37244 and 37245 do not own or control the land described under the place of use of the applications.

CONCLUSIONS

I.

The State Engineer has jurisdiction⁵ over the matter described herein.

II.

Applications 37244 and 37245 were filed in support of Desert Land Entries. The Desert Land Entry applications described under III of Findings have been closed on the records of the Bureau of Land Management, 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 waters 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.

⁴ Public record in the office of the State Engineer under Applications 37244 and 37245.

⁵ NRS Chapters 533 and 534.

RULING

Applications 37244 and 37245 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,



Peter G. Morros
State Engineer

PGM/BD/bl

Dated this 15th day of

MARCH, 1984.