

IN THE MATTER OF APPLICATIONS 37356)
AND 37357 FILED TO APPROPRIATE THE)
PUBLIC WATERS FROM AN UNDERGROUND)
SOURCE WITHIN THE LAMOILLE VALLEY)
GROUND WATER BASIN IN ELKO COUNTY,)
NEVADA.)
)
)
)

RULING

GENERAL

Application 37356¹ was filed on March 30, 1979, by Richard A. Hedges to appropriate 5.4 c.f.s. of water from an underground source to irrigate 320 acres of land within the W1/2 NW1/4, SW1/4 and W1/2 SE1/4 Section 4, T.34N., R.58E., M.D.B.&M. The point of diversion is described as being within the NE1/4 SW1/4 Section 4, T.34N., R.58E., M.D.B.&M.

Application 37357¹ was filed on March 30, 1979, by Carlyle Hedges to appropriate 5.4 c.f.s. of water from an underground source to irrigate 320 acres of land within the E1/2 Section 5, T.34N., R.58E., M.D.B.&M. The point of diversion is described as being within Lot 2 Section 5, T.34N., R.58E., M.D.B.&M.

FINDINGS

I.

Applications 37356 and 37357 were assinged from Richard A. Hedges and Carlyle Hedges to Richard A. Hedges, Carlyle Hedges and James H. Hedges, one-third interest to each. The Deed was filed on October 17, 1979.²

II.

A timely protest³ to the granting of Applications 37356 and 37357 was filed by Boyd Ranches.

¹ Public record in the office of the State Engineer under applications to appropriate 37356 and 37357.

² Public record in the office of the State Engineer under applications to appropriate 37356 and 37357.

³ Public record in the office of the State Engineer under applications to appropriate 37356 and 37357.

III.

Records and information⁴ available to the State Engineer indicate that Applications 37356 and 37357 were filed in support of Desert Land Entry applications.

IV.

By letter⁵ dated December 13, 1983, the United States Department of Interior, Bureau of Land Management, notified the State Engineer that the following Desert Land Entry Applications had been closed and the case files are dead.

<u>BLM ENTRY NO.</u>	<u>NAME</u>	<u>LAND DESCRIPTION</u>
N-23198	Carlyle Hedges	T.34N., R.58E., Sec. 5
N-23199	Richard Hedges	T.34N., R.58E., Sec. 4

V.

The applicants under Applications 37356 and 37357 do not own or control the land described under the place of use of the applications.

CONCLUSIONS

I.

The State Engineer has jurisdiction⁶ over the matter described herein.

II.

Applications 37356 and 37357 were filed in support of Desert Land Entries. The Desert Land Entry applications described under IV 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.

⁴ Public records in the office of the State Engineer.

⁵ Public record in the office of the State Engineer under Applications 37356 and 37357.

⁶ NRS Chapters 533 and 534.

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.

RULING

Applications 37356 and 37357 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 4th day of
MAY, 1984.