

IN THE MATTER OF APPLICATIONS 42391)
AND 42396 FILED TO APPROPRIATE THE)
PUBLIC WATERS FROM AN UNDERGROUND)
SOURCE WITHIN THE SNAKE VALLEY)
GROUND WATER BASIN IN WHITE PINE)
COUNTY, NEVADA.)

RULING

2994

GENERAL

Application 42391¹ was filed on September 5, 1980, by Robin J. Campbell to appropriate 5.6 c.f.s. of water from an underground source to irrigate 320 acres of land within Lots 10 and 11 Section 20 and Lots 3, 4, 5, 6, 9 and 10 Section 29, T.14N., R.70E., M.D.B.&M. The point of diversion is described as being within Lot 6 Section 29, T.14N., R.70E., M.D.B.&M.

Application 42396¹ was filed on September 5, 1980, by Jeff Campbell to appropriate 5.6 c.f.s. of water from an underground source to irrigate 320 acres of land within the E1/2 Section 29, T.14N., R.70E., M.D.B.&M. The point of diversion is described as being within the NE1/4 SE1/4 Section 29, T.14N., R.70E., M.D.B.&M.

FINDINGS

I.

A timely protest² was filed to the granting of Applications 42391 and 42396 by Baker Ranches, Inc., on September 4, 1981. The grounds of the protest are as follows:

"The granting of this application would conflict and interfere with existing prior water rights in the area."

II.

Records and information³ available to the State Engineer indicate that Applications 42391 and 42396 were filed in support of Desert Land Entry applications.

¹ Public record in the office of the State Engineer under applications to appropriate 42391 and 42396.

² Public record in the office of the State Engineer under applications to appropriate 42391 and 42396.

³ Public records in the office of the State Engineer.

III.

By letter⁴ dated September 9, 1982, 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-30755	Robin J. Campbell	T.14N., R.70E., Secs. 20 and 29
N-30758	Jeff T. Campbell	T.14N., R.70E., Sec. 29

IV.

The applicants under Applications 42391 and 42396 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 42391 and 42396 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 42391 and 42396.

⁵ NRS Chapters 533 and 534.

RULING

Applications 42391 and 42396 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 20th day of

JULY, 1984.