

IN THE OFFICE OF THE STATE ENGINEER

IN THE MATTER OF APPLICATIONS 41837)
AND 42016 FILED TO APPROPRIATE THE)
PUBLIC WATERS FROM AN UNDERGROUND)
SOURCE WITHIN THE PUMPERNICKEL)
VALLEY GROUND WATER BASIN IN)
HUMBOLDT COUNTY, NEVADA.)

RULING

GENERAL

Application 41837 was filed on July 18, 1980, by Barbara D. Ash to appropriate 5.4 c.f.s. of water from an underground source to irrigate 320 acres of land within the E1/2 Section 36, T.36N., R.41E., M.D.B.&M. The point of diversion is described as being within the SE1/4 NE1/4 Section 36, T.36N., R.41E., M.D.B.&M.¹

Application 42016 was filed on August 14, 1980, by Cynthia M. Jarone to appropriate 5.4 c.f.s. of water from an underground source to irrigate 320 acres of land within the E1/2 Section 24, T.34N., R.40E., M.D.B.&M. The point of diversion is described as being within the NE1/4 SE1/4 Section 24, T.34N., R.40E., M.D.B.&M.¹

FINDINGS

I.

Records and information available to the State Engineer indicate that Applications 41837 and 42016 were filed in support of Desert Land Entry applications.²

II.

By letter dated December 11, 1981, 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.³

<u>BLM ENTRY NO.</u>	<u>NAME</u>	<u>LAND DESCRIPTION</u>
N-30380	Barbara D. Ash	T.36N., R.41E., Sec. 36
N-30593	Cynthia M. Jarone	T.34N., R.40E., Sec. 24

¹ Public record in the office of the State Engineer under applications to appropriate 41837 and 42016.

² Public records in the office of the State Engineer.

³ Public record in the office of the State Engineer under applications to appropriate 41837 and 42016.

III.

The applicants under Applications 41837 and 42016 do not own or control the land described under the place of use of the applications.

CONCLUSIONS

I.

The State Engineer has jurisdiction over the matter described herein.⁴

II.

Applications 41837 and 42016 were filed in support of Desert Land Entries. The Desert Land Entry applications described under II 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.

RULING

Applications 41837 and 42016 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/SW/bl

Dated this 6th day of
December, 1984.

4 NRS Chapters 533 and 534.