

IN THE OFFICE OF THE STATE ENGINEER

IN THE MATTER OF APPLICATIONS 31420,)
31422 AND 36816 FILED TO APPROPRIATE)
THE PUBLIC WATERS FROM AN)
UNDERGROUND SOURCE WITHIN THE)
STEPTOE VALLEY GROUND WATER BASIN IN)
WHITE PINE COUNTY, NEVADA.)

RULING

GENERAL

Application 31420 was filed on May 2, 1977, by Marcia Forman to appropriate 2.7 c.f.s. of water from an underground source to irrigate 2.7 acres of land within the SE1/4 NW1/4, SW1/4 NE1/4, NE1/4 SW1/4, NW1/4 SE1/4 Section 20, T.13N., R.64E., M.D.B.&M. The point of diversion is described as being within the NE1/4 SW1/4 Section 20, T.13N., R.64E., M.D.B.&M.¹

Application 31422 was filed on May 2, 1977, by Richard W. Forman to appropriate 2.7 c.f.s. of water from an underground source to irrigate 160 acres of land within the SE1/4 SW1/4, SW1/4 SE1/4 Section 20; NE1/4 NW1/4, NW1/4 NE1/4 Section 29, T.13N., R.64E., M.D.B.&M. The point of diversion is described as being within the NE1/4 NW1/4 Section 29, T.13N., R.64E., M.D.B.&M.¹

Application 36816 was filed on February 16, 1979, by Marcia Forman to appropriate 2.7 c.f.s. of water from an underground source to irrigate 160 acres of land within the S1/2 NE1/4, N1/2 SE1/4 Section 17, T.13N., R.64E., M.D.B.&M. The point of diversion is described as being within the NW1/4 SE1/4 Section 17, T.13N., R.64E., M.D.B.&M.¹

FINDINGS

I.

Records and information available to the State Engineer indicate that Applications 31420, 31422 and 36816 were filed in support of Desert Land Entry and Carey Act applications.²

II.

By letter dated July 16, 1985, the United States Department of Interior, Bureau of Land Management, notified the State Engineer that the following Desert Land Entry and Carey Act applications had been closed and the case files are dead.³

¹ Public record in the office of the State Engineer under applications to appropriate 31420, 31422 and 36816.

² Public records in the office of the State Engineer.

³ Public record in the office of the State Engineer under Applications 31420, 31422 and 36816.

<u>BLM ENTRY NO.</u>	<u>NAME</u>	<u>LAND DESCRIPTION</u>
N-22927	Marcia Forman	T.13N., R.64E., Sec's. 17, 20
N-22928	Richard W. Forman	T.13N., R.64E., Sec's. 20, 29

III.

The applicants under Applications 31420, 31422 and 36816 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 31420, 31422 and 36816 were filed in support of Desert Land Entries and Carey Acts. The Desert Land Entry and Carey Act 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 31420, 31422 and 36816 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 14th day of
August, 1985.

⁴ NRS Chapters 533 and 534.