

IN THE OFFICE OF THE STATE ENGINEER

IN THE MATTER OF APPLICATIONS 32104)
AND 32105 FILED TO APPROPRIATE)
SURFACE WATER FROM SECOND CREEK)
AND THIRD CREEK, STEPTOE VALLEY,)
WHITEPINE COUNTY, NEVADA.)

RULING

GENERAL

I.

Application 32104 was filed on June 17, 1977, by Warren Robison to appropriate 2.7 c.f.s. of water from Second Creek for irrigation and domestic use on 160 acres within the NW1/4 Section 14, T.20N., R.64E., M.D.B.&M. The point of diversion is described as being within the SE1/4 SE1/4 Section 24, T.20N., R.64E., M.D.B.&M.¹

Application 32105 was filed on June 17, 1977, by Warren Robison to appropriate 2.7 c.f.s. of water from Third Creek for irrigation and domestic use on 160 acres within the NW1/4 Section 14, T.20N., R.64E., M.D.B.&M. The point of diversion is described as being with the SW1/4 SE1/4 Section 24, T.20N., R.64E., M.D.B.&M.¹

FINDINGS OF FACT

I.

Records and information available to the State Engineer indicate that Applications 32104 and 32105 were filed in support of Carey Act applications.²

II.

By letter dated July 29, 1985, the Nevada Division of State Lands notified the State Engineer that the Carey act Applications have been cancelled and the case files are closed.³

CONCLUSIONS

I.

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

¹ Public record in the office of the State Engineer.

² Public records in the office of the State Engineer.

³ Public record in the office of the State Engineer under Applications 32104 and 32105.

⁴ NRS Chapter 533.

II.

Applications 32104 and 32105 were filed in support of the Carey Act. The Carey Act applications have been closed on the records of the Nevada Division of State Lands therefore, the applicant does 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.

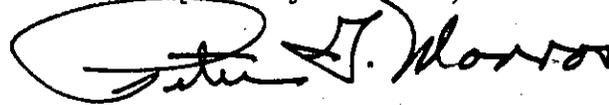
III.

To grant applications to appropriate the public water 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 32104 and 32105 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/RMT/bk

Dated this 12th day of

April, 1988.