

IN THE OFFICE OF THE STATE ENGINEER
OF THE STATE OF NEVADA

IN THE MATTER OF APPLICATION 34226)
FILED TO APPROPRIATE THE PUBLIC)
WATERS FROM AN UNDERGROUND SOURCE)
WITHIN THE VIRGIN RIVER VALLEY)
GROUNDWATER BASIN IN CLARK)
COUNTY, NEVADA.)

RULING

3900

GENERAL

Application 34226¹ was filed on October 18, 1977 by Dorothy R. Carpenter to appropriate 2.7 c.f.s. of water from an underground source for irrigation and domestic purposes on 150 acres of land within the SE $\frac{1}{4}$ of Section 20, T.14S., R.68E., M.D.B.&M. The point of diversion is described as being within the NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 20, T.14S., R.68E., M.D.B.&M.

FINDINGS

I.

Records and information available to the State Engineer indicate that Application 34226 was filed in support of a Carey Act Application.²

II.

By letter dated December 4, 1991, the United States Department of Interior, Bureau of Land Management, notified the State Engineer that there is no record of a Land Application that corresponds to water right application 34226.

III.

The applicant under Application 34226 does not own or control the land described under the place of use of the application.

¹ Public record in the office of the State Engineer.

² Public record in the office of the State Engineer filed under Application 48364.

CONCLUSIONS

I.

The State Engineer has jurisdiction over the matter described herein.³

II

The State Engineer is prohibited by law from granting a permit under an application to appropriate the public waters where:⁴

- A. There is no unappropriated water at the proposed source, or
- B. The proposed use or change conflicts with existing rights, or
- C. The proposed use threatens to prove detrimental to the public interest.

III.

Application 34226 was filed in support of a Carey Act. The United States Department of Interior, Bureau of Land Management, has no record of a Land Application that corresponds to the above referenced water right application, therefore, the applicant does not own or control the land described under the place of use of the application and cannot demonstrate the ability to place the water to beneficial use.

IV.

To grant an application 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.

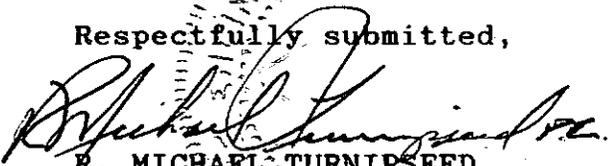
³ NRS Chapters 533 and 534.

⁴ NRS Chapter 533.370.

RULING

Application 34226 is herewith denied on the grounds that to grant an application 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,



R. MICHAEL TURNIPSEED
State Engineer

RMT/MJR/bk

Dated this 31st day of
July, 1992.