

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

IN THE MATTER OF APPLICATIONS 33119, 33120,)
33121 AND 37157 FILED TO APPROPRIATE THE)
PUBLIC WATERS FROM AN UNDERGROUND SOURCE)
WITHIN THE NEWARK VALLEY GROUND WATER BASIN)
(154), IN WHITE PINE COUNTY, NEVADA.)

RULING

4194

GENERAL

I.

Application 33119¹ was filed on August 11, 1977, by Warren Scopettone to appropriate 2.7 cfs of water from an underground source for irrigation and domestic purposes on 160 acres of land within S $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 17 and the N $\frac{1}{2}$ NE $\frac{1}{4}$ of Section 20, T.18N., R.55E., M.D.B.&M. The point of diversion is described as being within the SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 17, T.18N., R.55E., M.D.B.&M.

II.

Application 33120¹ was filed on August 11, 1977, by Gary Scopettone to appropriate 2.7 cfs of water from an underground source for irrigation and domestic purposes on 160 acres of land within S $\frac{1}{2}$ NE $\frac{1}{4}$ and N $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 20, T.18N., R.55E., M.D.B.&M. The point of diversion is described as being within the SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 20, T.18N., R.55E., M.D.B.&M.

III.

Application 33121¹ was filed on August 11, 1977, by Stephanie Quartano to appropriate 2.7 cfs of water from an underground source for irrigation and domestic purposes on 160 acres of land within E $\frac{1}{2}$ SW $\frac{1}{4}$ and S $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 20, T.18N., R.55E., M.D.B.&M. The point of diversion is described as being within the NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 20, T.18N., R.55E., M.D.B.&M.

IV.

Application 37157¹ was filed on March 23, 1979, by Norman Bryan to appropriate 5.4 cfs of water from an underground source for irrigation purposes on 320 acres of land within the W $\frac{1}{2}$ of Section 13, T.17N., R.54E., M.D.B.&M. The point of diversion is described as being within the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 13, T.17N., R.54E., M.D.B.&M.

FINDINGS OF FACT

I.

Records and information available to the State Engineer indicate that Applications 33119, 33120 and 33121 were filed in support of Carey Act applications and Application 37157 was filed in support of a Desert Land Entry application.²

II.

By letter dated April 21, 1994, the United States Department of the Interior, Bureau of Land Management, notified the State Engineer of the pending Desert Land Entry and Carey Act applications in the following townships, T.17N., R.54E.,; T.18N., R.55E.; and T.19N., R.55E. Applications 33119, 33120, 33121 and 37157 have points of diversion and places of use in this area and were not on the list.

III.

The applicants under Applications 33119, 33120, 33121 and 37157 do not own or control the land described under the place of use of these applications.

CONCLUSIONS

I.

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

² Public records of the Office of the State Engineer filed under Applications 33119, 33120, 33121 and 37157.

³ NRS Chapters 533 and 534.

II.

Applications 33119, 33120 and 33121 were filed in support of Carey Acts and 37157 was filed in support of Desert Land Entry. There are no pending applications for the places of use described in Applications 33119, 33120, 33121 or 37157 on record with 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 water for irrigation on lands the applicant does not own or control or when the applicant cannot demonstrate the ability to place the water to beneficial use, would not be in the public interest and welfare.

RULING

Applications 33119, 33120, 33121 and 37157 are hereby 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,



E. MICHAEL TURNIPSEED, P.E.
State Engineer.

RMT/MR/pm

Dated this 26th day of

June, 1995.