

IN THE MATTER OF APPLICATION NO.
13132 IN THE NAME OF JACK WELDON AND
AVIS VIRGINIA HINSLEY TO APPROPRIATE
UNDERGROUND WATER IN ESMERALDA COUNTY,
NEVADA.

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}
RULING

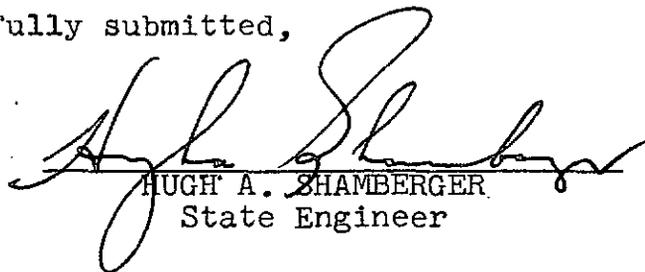
Application No. 13132 was filed November 1, 1949 by Jack Weldon Hinsley and Avis Virginia Hinsley to appropriate 4.0 c.f.s. of underground water at a point within the NW NW Section 22, T. 1 S., R. 35 E. for the irrigation of 320 acres of land located within the W $\frac{1}{2}$ Section 22, T. 1 S., R. 35 E.

On July 3, 1950 a protest to the granting of a permit under said application was filed by Rex B. Clark.

By letter dated June 18, 1951 from the Bureau of Land Management we were advised that Desert Land Application No. 0406 in the name of Jack W. & Avis V. Hinsley had been finally rejected and closed.

Since the land is definitely closed for entry for agricultural purposes by the Government and since Application No. 13132 was to appropriate underground water beneath said lands for use thereon for irrigation purposes, the State Engineer has no other recourse but to deny said application on the grounds that applicant cannot gain entry to said land, and therefore could not make beneficial use of such water.

Respectfully submitted,


HUGH A. SHAMBERGER
State Engineer

Dated July 23, 1951.