

IN THE MATTER OF APPLICATION NO. 13070 )  
IN NAME OF CECIL AND LOUISE RHOADES TO :  
APPROPRIATE UNDERGROUND WATER IN FISH :  
LAKE VALLEY, ESMERALA COUNTY, NEVADA. )

RULING

Application No. 13070 was filed September 30, 1949 by Cecil and Louise Rhoades to appropriate 4.0 c.f.s. of underground water for the irrigation of 320 acres of land. The proposed point of diversion is located in the SW $\frac{1}{4}$  NW $\frac{1}{4}$  Sec. 33, T. 1 S., R. 35 E., M.D.M. and the land to be irrigated is described as the N $\frac{1}{2}$  of Sec. 33, T. 1 S., R. 35 E.

The notice of this application was duly published in the Goldfield News, as prescribed by law, and on April 12, 1950 a protest was filed by Rex B. Clark to the granting of a permit under said application. The basis of said protest is as follows:

"That there is no unappropriated water in the area covered by the application; that the land upon which the proposed well is to be drilled is covered by a prior filing made by this protestant for grazing purposes based upon the Arlemont Ranch owned by this protestant; that the homestead entry on which the water is to be used has not been approved and has been protested because of a prior lease filing covering the same land made by this protestant. That the granting of the application would be against public policy in that the protestant is informed and believes and therefore alleges on information and belief that water can not be developed on this tract in sufficient quantities at an economic cost to warrant the granting of the application, and that it is not a feasible project."

The matter of action on this application is now before this office.

ACTION BY THE BUREAU OF LAND MANAGEMENT

On September 25, 1950 the Bureau of Land Management, through the Nevada Land and Survey Office, issued its decision on homestead and desert land applications filed in Fish Lake Valley. The application of Cecil Rhoades was among those held for rejection for the reason the application did not embrace lands that contained good soil in sufficient amount to constitute an economic unit.

This decision was affirmed by the Director of the Bureau of Land Management on April 9, 1951 and the decision became final and the applications were closed on October 22, 1951.



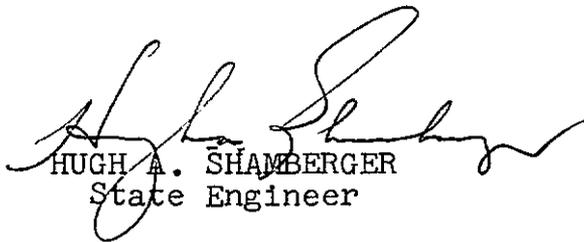
RULING

Under the ruling of the Bureau of Land Management, the homestead application of Cecil Rhoades was rejected and finally closed on October 22, 1951.

By the ruling of the Bureau of Land Management, the contentions of the protestant, Rex B. Clark, are sustained in part, and the protest is herewith sustained; however, the statement that there is no unappropriated ground water is overruled as such finding has not been established.

Application No. 13070 to appropriate underground water by Cecil and Louise Rhoades is denied as the land on which such water was to be appurtenant is not available to the applicant.

Respectfully submitted,

  
HUGH A. SHAMBERGER  
State Engineer

January 18, 1952.

IN THE MATTER OF APPLICATION NO. 13073 )  
IN THE NAME OF JAMES HENRY AND RUBY )  
THELMA BARNES TO APPROPRIATE UNDERGROUND : RULING  
WATER IN FISH LAKE VALLEY, ESMERALDA )  
COUNTY, NEVADA. )

Application No. 13073 was filed October 4, 1949 by James Henry and Ruby Thelma Barnes to appropriate 4.0 c.f.s. of underground water for the irrigation of 240 acres of land. The proposed point of diversion is located in the NW $\frac{1}{4}$  SW $\frac{1}{4}$  Section 23, T. 2 S., R. 35 E.

The notice of this application was duly published in the Goldfield News, as prescribed by law, and June 12, 1950 a protest was filed by E. L. Cord to the granting of a permit under said application. The basis of said protest is as follows:

"That the granting of the above referred to application would impair and tend to impair the value of existing water rights now owned by E. L. Cord, and would conflict with the existing rights of protestant, and would threaten to prove detrimental to the public interests. That the underground waters are insufficient to satisfy all of the existing water rights and the waters which applicant seeks to appropriate, and that there is in substance and effect no unappropriated waters in the proposed underground source of supply."

The matter of this application is now before this office.

#### ACTION BY THE BUREAU OF LAND MANAGEMENT

On September 25, 1950 the Bureau of Land Management, through the Nevada Land and Survey Office, issued its decision on homestead and desert land applications filed in Fish Lake Valley. The application of James Henry and Ruby Thelma Barnes was among those held for rejection for the reason the application did not embrace lands that contained good soil in sufficient amount to constitute an economic unit.

The decision was affirmed by the Director of the Bureau of Land Management on April 9, 1951, and the decision became final and the applications were closed on October 22, 1951.

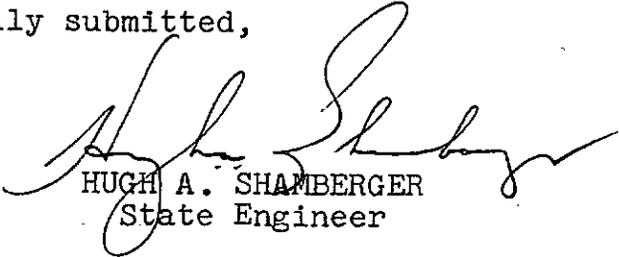
RULING

Under the ruling of the Bureau of Land Management, the application for desert land entry by James Henry and Ruby Thelma Barnes was rejected and finally closed on October 22, 1951.

The protest of E. L. Cord, based on the grounds that there is no unappropriated ground water, is overruled as such finding has not been established.

Application No. 13073 to appropriate underground water by James Henry & Ruby Thelma Barnes is denied as the land on which such water was to be appurtenant is not available to the applicant.

Respectfully submitted,



HUGH A. SHAMBERGER  
State Engineer

January 18, 1952.