

IN THE MATTER OF APPLICATION 40873 )  
FILED TO APPROPRIATE THE PUBLIC )  
WATERS FROM AN UNDERGROUND SOURCE )  
WITHIN THE UPPER REESE RIVER GROUND )  
WATER BASIN IN LANDER COUNTY, )  
NEVADA. )

RULING

GENERAL

Application 40873<sup>1</sup> was filed on March 13, 1980, by Mark J. Schrader, Cindy D. Schrader and Walter C.A. Schrader to appropriate 13.0 c.f.s. of water from an underground source to irrigate 960 acres of land within Section 16, E1/2 E1/2 Section 17 and NW1/4 Section 21, T.19N., R.43E., M.D.B.&M. The point of diversion is described as being within the SW1/4 SW1/4 Section 16, T.19N., R.43E., M.D.B.&M.

FINDINGS

I.

Records and information<sup>2</sup> available to the State Engineer indicate that Application 40873 was filed in support of three (3) Desert Land Entry applications.

II.

By letter<sup>3</sup> dated September 8, 1980, the United States Department of Interior, Bureau of Land Management, notified the State Engineer that the following Desert Land Entry Applications had been closed and the case files are dead.

<u>BLM ENTRY NO.</u>	<u>NAME</u>	<u>LAND DESCRIPTION</u>
N-22187	Cindy D. Schrader	T.19N., R.43E., Sec. 16, 17 and 21
N-22188	Mark J. Schrader	T.19N., R.43E., Sec. 16 and 17
N-23030	Walter C.A. Schrader	T.19N., R.43E., Sec. 16

-----  
<sup>1</sup> Public record in the office of the State Engineer under application to appropriate 40873.

<sup>2</sup> Public records in the office of the State Engineer.

<sup>3</sup> Public record in the office of the State Engineer under Application 40873.

III.

The applicants under Application 40873 do not own or control the land described under the place of use of the application.

CONCLUSIONS

I.

The State Engineer has jurisdiction<sup>4</sup> over the matter described herein.

II.

Application 40873 was filed in support of Desert Land Entry. The Desert Land Entry applications described under III of Findings have been closed on the records of the Bureau of Land Management, therefore, the applicants do 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.

III.

To grant application to appropriate the public waters for irrigation on lands the applicants do not own or control or where the applicants cannot demonstrate the ability to place the water to beneficial use, would not be in the public interest and welfare.

RULING

Application 40873 is herewith denied on the grounds that to grant the application for irrigation purposes on lands that the applicants do 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/BD/bl

Dated this 4th day of

MAY, 1984.

-----  
<sup>4</sup> NRS Chapters 533 and 534.