

IN THE OFFICE OF THE STATE ENGINEER

IN THE MATTER OF APPLICATIONS 42098,)
42394 AND 42811 FILED TO APPROPRIATE)
THE PUBLIC WATERS FROM AN UNDER-)
GROUND SOURCE WITHIN THE SNAKE)
VALLEY GROUND WATER BASIN IN WHITE)
PINE COUNTY, NEVADA.)

RULING

GENERAL

Application 42098 was filed on August 15, 1980, by Frank A. Tidwell to appropriate 5.6 c.f.s. of water from an underground source to irrigate 320 acres of land within Lots 1, 2, 3 and 4, NW1/4 NW1/4, SW1/4 NW1/4, NW1/4 SW1/4 and SW1/4 SW1/4 Section 18, T.13N., R.71E., M.D.B.&M. The point of diversion is described as being within the NW1/4 SW1/4 Section 18, T.13N., R.71E. M.D.B.&M.¹

Application 42394 was filed on September 5, 1980, by D. Terry Anderton to appropriate 5.6 c.f.s. of water from an underground source to irrigate 320 acres of land within Section 31, T.14N., R.71E., M.D.B.&M. The point of diversion is described as being within Lot 2 Section 31, T.14N., R.71E., M.D.B.&M.¹

Application 42811 was filed on November 10, 1980, by Kathleen A. Milewski to appropriate 7.4 c.f.s. of water from an underground source to irrigate 320 acres of land within the W1/2 Section 27, T.14N., R.70E., M.D.B.&M. The point of diversion is described as being within the NW1/4 NW1/4 Section 27, T.14N., R.70E., M.D.B.&M.¹

FINDINGS

I.

A timely protest was filed to the granting of Applications 42098, 42394 and 42811 by Baker Ranches, Inc. The grounds of the protest is as follows:²

"The granting of this application would conflict and interfere with existing prior water rights in the area.

II.

Records and information available to the State Engineer indicate that Applications 42098, 42394 and 42811 were filed in support of Desert Land Entry applications.³

¹ Public record in the office of the State Engineer under applications to appropriate 42098, 42394 and 42811.

² Public record in the office of the State Engineer under Applications 42098, 42394 and 42811.

³ Public records in the office of the State Engineer.

III.

By letter dated August 3, 1984, 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.⁴

<u>BLM ENTRY NO.</u>	<u>NAME</u>	<u>LAND DESCRIPTION</u>
N-30754	D. Terry Anderton	T.14N., R.71E., Sec. 31
N-30325	Kathleen A. Milewski	T.14N., R.70E., Sec. 27

IV.

By letter dated August 3, 1984, the United States Department of Interior, Bureau of Land Management, notified the State Engineer that Frank A. Tidwell has no active Desert Land Entry application on file within Section 18, T.13N., R.71E., M.D.B.&M.⁴

V.

The applicants under Applications 42098, 42394 and 42811 do not own or control the land described under the place of use of the applications.

CONCLUSIONS

I.

The State Engineer has jurisdiction over the matter described herein.⁵

II.

Applications 42098, 42394 and 42811 were filed in support of Desert Land Entries. The Desert Land Entry applications described under III and IV 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 applications and cannot demonstrate the ability to place the water to beneficial use.

III.

To grant applications to appropriate the public waters 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.

⁴ Public record in the office of the State Engineer under Applications 42098, 42394 and 42811.

⁵ NRS Chapters 533 and 534.

RULING

Applications 42098, 42394 and 42811 are herewith denied on the grounds that to grant the applications 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,

A handwritten signature in cursive script, appearing to read "Peter G. Morros", written over a horizontal line.

Peter G. Morros
State Engineer

PGM/BD/bl

Dated this 17th day of

SEPTEMBER, 1984.