

IN THE OFFICE OF THE STATE ENGINEER

IN THE MATTER OF APPLICATIONS 36112)
AND 36113 FILED TO APPROPRIATE THE)
PUBLIC WATERS FROM AN UNDERGROUND)
SOURCE WITHIN THE VIRGIN VALLEY)
GROUND WATER BASIN IN HUMBOLDT)
COUNTY, NEVADA.)

RULING

GENERAL

Application 36112 was filed on October 27, 1978, by Walter H. Wilson to appropriate 2.0 c.f.s. of water from an underground source to irrigate 320 acres of land within the N1/2 NW1/4, N1/2 NE1/4 Section 17; SE1/4 SE1/4 Section 8; S1/2 SW1/4, NW1/4 SW1/4 Section 9, T.45N., R.26E., M.D.B.&M. The point of diversion is described as being within the NE1/4 NE1/4 Section 18, T.45N., R.26E., M.D.B.&M.¹

Application 36113 was filed on October 27, 1978, by Walter H. Wilson to appropriate 2.0 c.f.s. of water from an underground source to irrigate 320 acres of land within the N1/2 NW1/4, N1/2 NE1/4 Section 17; SE1/4 SE1/4 Section 8; S1/2 SW1/4, NW1/4 SW1/4 Section 9, T.45N., R.26E., M.D.B.&M. The point of diversion is described as being within the NE1/4 NE1/4 Section 18, T.45N., R.26E., M.D.B.&M.¹

FINDINGS

I.

Timely protests were filed to the granting of Applications 36112 and 36113 by the Department of the Interior, Bureau of Land Management. The grounds of the protests are as follows:²

"The applicant is attempting to remove waters from the public lands to irrigate and for domestic use; therefore, forming a trespass.

II.

Records and information available to the State Engineer indicate that Applications 36112 and 36113 were filed on land that "is owned by the United States and is withdrawn from entry and/or appropriation for use as part of the Sheldon Antelope Range".³

¹ Public record in the office of the State Engineer under applications to appropriate 36112 and 36113.

² Public record in the office of the State Engineer under applications to appropriate 36112 and 36113.

³ Public records in the office of the State Engineer.

III.

By letter dated November 20, 1984, the United States Department of Interior, Bureau of Land Management, notified the State Engineer that the parcels described under Applications 36112 and 36113 are owned by the United States for use as part of the Sheldon Antelope Range.⁴

IV.

The applicants under Applications 36112 and 36113 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 36112 and 36113 were filed on land owned by the United States 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 to appropriate 36112 and 36113.

⁵ NRS Chapters 533 and 534.

RULING

Applications 36112 and 36113 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,



Peter G. Morros
State Engineer

PGM/SW/bl

Dated this 6th day of

December, 1984.