

IN THE OFFICE OF THE STATE ENGINEER

IN THE MATTER OF APPLICATIONS 32998)
AND 36832 FILED TO APPROPRIATE THE)
PUBLIC WATERS FROM AN UNDERGROUND)
SOURCE WITHIN THE RAILROAD VALLEY)
(NORTHERN PART) GROUND WATER BASIN)
IN NYE COUNTY, NEVADA.)

RULING A3217

GENERAL

Application 32998 was filed on August 1, 1977, by Nevada Settlers Assn. to appropriate 2.7 c.f.s. of water from an underground source to irrigate 160 acres of land within Lots 5, 6, 7 and 8, Section 30, T.10N., R.57E., M.D.B.&M. The point of diversion is described as being within Lot 5, Section 30, T.10N., R.57E., M.D.B.&M.¹

Application 36832 was filed on February 20, 1979, by Jeffrey A. Lynn to appropriate 5.4 c.f.s. of water from an underground source to irrigate 320 acres of land within the E1/2 SW1/4, W1/2 SE1/4 Section 30; E1/2 NW1/4, W1/2 NE1/4 Section 31, T.10N., R.57E., M.D.B.&M. The point of diversion is described as being within the NW1/4 SE1/4 Section 30, T.10N., R.57E., M.D.B.&M.¹

FINDINGS

I.

Records and information available to the State Engineer indicate that Applications 32998 and 36832 were filed in support of Carey Act and Desert Land Entry applications.²

II.

By letter dated April 15, 1985, the United States Department of Interior, Bureau of Land Management, notified the State Engineer that the following Carey Act and Desert Land Entry Applications had been closed and the case files are dead.³

<u>BLM ENTRY NO.</u>	<u>NAME</u>	<u>LAND DESCRIPTION</u>
N-23907	Jeffrey A. Lynn	T.10N., R.57E., Sec's. 30 and 31

¹ Public record in the office of the State Engineer under applications to appropriate 32998 and 36832.

² Public records in the office of the State Engineer.

³ Public record in the office of the State Engineer under Applications 32998 and 36832.

III.

The applicants under Applications 32998 and 36832 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.⁴

II.

Applications 32998 and 36832 were filed in support of a Carey Act and a Desert Land Entry. The Carey Act and Desert Land Entry applications described under II 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.

RULING

Applications 32998 and 36832 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 19th day of
July, 1985.

⁴ NRS Chapters 533 and 534.