

IN THE OFFICE OF THE STATE ENGINEER

IN THE MATTER OF APPLICATION 42665)
FILED TO APPROPRIATE THE PUBLIC)
WATERS FROM AN UNDERGROUND SOURCE)
WITHIN THE BIG SMOKY VALLEY)
(NORTHERN PART) GROUND WATER BASIN)
IN NYE COUNTY, NEVADA.)

RULING

GENERAL

Application 42665 was filed on October 15, 1980, by Zimmerman Ranching Corp. to appropriate 5.4 c.f.s. of water from an underground source to irrigate 320 acres of land within the N1/2 Section 8, T.12N., R.43E., M.D.B.&M. The point of diversion is described as being within the SW1/4 NW1/4 Section 8, T.12N., R.43E., M.D.B.&M.¹

FINDINGS

I.

Records and information available to the State Engineer indicate that Application 42665 was filed in support of a Desert Land Entry application.²

II.

By letter dated October 3, 1985, the United States Department of Interior, Bureau of Land Management, notified the State Engineer that the following Desert Land Entry Application had been closed and the case file is dead.³

<u>BLM ENTRY NO.</u>	<u>NAME</u>	<u>LAND DESCRIPTION</u>
N-38467	Evan Zimmerman	T.12N., R.43E., Sec. 8

III.

The applicant under Application 42665 does not own or control the land described under the place of use of the application.

¹ Public record in the office of the State Engineer under application to appropriate 42665.

² Public records in the office of the State Engineer.

³ Public record in the office of the State Engineer under Application 42665.

CONCLUSIONS

I.

The State Engineer has jurisdiction over the matter described herein.⁴

II.

Application 42665 was filed in support of a Desert Land Entry. The Desert Land Entry application described under II of Findings has been closed on the records of the Bureau of Land Management, therefore, the applicant does 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 an application 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

Application 42665 is herewith denied on the grounds that to grant the application 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 14th day of
November, 1985.

⁴ NRS Chapters 533 and 534.