

IN THE OFFICE OF THE STATE ENGINEER

IN THE MATTER OF APPLICATIONS 32820)
AND 32821 FILED TO APPROPRIATE THE)
PUBLIC WATERS FROM AN UNDERGROUND)
SOURCE WITHIN THE CARSON DESERT)
GROUND WATER BASIN IN CHURCHILL)
COUNTY, NEVADA.)

RULING

GENERAL

Application 32820 was filed on July 18, 1977, by Roy G. Hudson to appropriate 2.7 c.f.s. of water from an underground source to irrigate 160 acres of land within the NW1/4 Section 4, T.19N., R.31E., M.D.B.&M. The point of diversion is described as being within Lot 3, Section 4, T.19N., R.31E., M.D.B.&M.¹

Application 32821 was filed on July 18, 1977, by Al E. Haley to appropriate 2.7 c.f.s. of water from an underground source to irrigate 160 acres of land within the SE1/4 Section 4, T.19N., R.31E., M.D.B.&M. The point of diversion is described as being within the NE1/4 SE1/4 Section 4, T.19N., R.31E., M.D.B.&M.¹

FINDINGS

I.

Records and information available to the State Engineer indicate that Applications 32820 and 32821 were filed in support of Carey Act applications.²

II.

By letters dated April 9, 1979, the Division of State Land, Department of Conservation and Natural Resources, State of Nevada, notified the State Engineer that the following Carey Act applications had been closed and the case files are dead.³

<u>BLM ENTRY NO.</u>	<u>NAME</u>
1316	Al E. Haley
1241	Roy G. Hudson

¹ Public record in the office of the State Engineer under applications to appropriate 32820 and 32821.

² Public records in the office of the State Engineer.

³ Public record in the office of the State Engineer under Applications 32820 and 32821.

III.

The applicants under Applications 32820 and 32821 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 32820 and 32821 were filed in support of Carey Act applications. The Carey Act applications described under II of Findings have been closed on the records of the Division of State Lands, 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 32820 and 32821 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
January, 1986.

⁴ NRS Chapters 533 and 534.