

IN THE OFFICE OF THE STATE ENGINEER

IN THE MATTER OF APPLICATIONS 45112 )  
AND 45208, AND APPLICATIONS 47056 AND )  
47057 FILED TO CHANGE THE POINTS OF )  
DIVERSION AND PLACES OF USE OF THE )  
PUBLIC WATERS OF AN UNDERGROUND )  
SOURCE HERETOFORE FILED UNDER )  
APPLICATIONS 45112 AND 45208, )  
RESPECTIVELY, WITHIN THE HONEY LAKE )  
VALLEY GROUND WATER BASIN IN WASHOE )  
COUNTY, NEVADA. )

RULING

GENERAL

Application 45112 was filed on December 8, 1981 by Flanigan Land & Development Company and subsequently assigned to Claude R. Snead, Alberta Jean Dobson and Willis J. Hammond to appropriate 6.0 c.f.s. of water from an underground source for irrigation and domestic purposes on 380 acres of land within portions of the SW1/4 SE1/4, E1/2 SE1/4 Section 28; SW1/4 Section 27; NE1/4 Section 33; NW1/4 Section 34, T.27N. R.18E. M.D.B.&M. The point of diversion is described as being within the NW1/4 NW1/4 Section 34, T.27N. R.18E., M.D.B.& M.<sup>1</sup>

Application 45208 was filed on January 13, 1982, by Claude R. Snead, Edna Loretta Snead, Josephine M. Snead, Alberta Jean Dobson and Colene M. Hammond and subsequently assigned to Claude R. Snead, Loren M. Snead, Colene M. Hammond and Alberta Jean Dobson to appropriate 5.4 c.f.s. of water from an underground source for irrigation and domestic purposes on 578.61 acres of land within portions of the S1/2 NE1/4, SE1/4 NW1/4, SE1/4, E1/2 SW1/4, and Lot 7 Section 5; Lots 1, 2, 3, 4, E1/2 NW1/4, SW1/4 NE1/4 Section 8; Lot 1 Section 17, T.27N. R.18E., M.D.B.&M. The point of diversion is described as being within the NW1/4 SE1/4 Section 5, T.27N., R.18E., M.D.B.&M.<sup>1</sup>

Application 47056 was filed on July 7, 1983, by Claude R. Snead and Alberta Jean Dobson to change the point of diversion and place of use of 6.0 c.f.s. of water from an underground source heretofore filed for under Application 45112 for irrigation and domestic purposes within the NE1/4 NE1/4 Section 5; NW1/4, NE1/4 SW1/4, N1/2 SE1/4, N1/2 SE1/4 SW1/4, N1/2 S1/2 SE1/4 Section 4, T.27N., R.18E., M.D.B.&M. The point of diversion is described as being within the SE1/4 NW1/4 Section 4, T.27N., R.18E., M.D.B.&M.<sup>1</sup>

Application 47057 was filed on July 7, 1983, by Alberta Jean Dobson, Claude Snead, Loren M. Snead and Colene M. Hammond to change the point of diversion and place of use of 5.4 c.f.s. of water from an underground source heretofore filed for under Application 45208 for irrigation and domestic purposes within Lots 2, 3, 4 and 7, SE1/4 NW1/4, NE1/4 SW1/4, S1/2 NE1/4 Section 5; Lots 1, 2, 3 and 4, E1/2 NW1/4, SW1/4 NE1/4 Section 8; Lot 1 Section 17, T.27N., R.18E., M.D.B.&M. The point of diversion is described as being within the SE1/4 NW1/4 Section 5, T.27N., R.18E., M.D.B.&M.<sup>1</sup>

-----  
<sup>1</sup> Public record in the office of the State Engineer.

FINDINGS

I.

Records and information available to the State Engineer indicate that Applications 45112 and 45208, and Applications to Change 47056 and 47057 were filed in support of Desert Land Entry applications.<sup>1</sup>

II.

By letter dated August 20, 1984, the United States Department of Interior, Bureau of Land Management, notified the State Engineer that the following Desert Land Entry Applications had been allowed.<sup>1</sup>

<u>BLM ENTRY NO.</u>	<u>NAME</u>	<u>LAND DESCRIPTION</u>
N-33045	Donald V. Rainey	T.27N., R.18E., Sec. 5
N-33048	Claude R. Snead	T.27N., R.18E., Sec's. 4, 5
N-35321	Josephine Cora Snead	T.27N., R.18E., Sec's. 4, 5
N-35322	Colene M. Hammond	T.27N., R.18E., Sec. 5

III.

By letter dated February 25, 1986, 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.<sup>1</sup>

<u>BLM ENTRY NO.</u>	<u>NAME</u>	<u>LAND DESCRIPTION</u>
N-33045	Donald V. Rainey	T.27N., R.18E., Sec. 5
N-33048	Claude R. Snead	T.27N., R.18E., Sec's. 4, 5
N-35321	Josephine Cora Snead	T.27N., R.18E., Sec's. 4, 5
N-35322	Colene M. Hammond	T.27N., R.18E., Sec. 5

IV.

By letter dated April 14, 1986, the United States Department of Interior, Bureau of Land Management, notified the State Engineer that all Desert Land Entry applications filed in T.27N., R.18E., M.D.B.&M., have been rejected.

V.

The applicants under Applications 45112 and 45208, and Applications to Change 47056 and 47057 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.<sup>2</sup>

II.

Applications 45112 and 45208, and Applications to Change 47056 and 47057 were filed in support of Desert Land Entries. The Desert Land Entry applications described under III 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 45112 and 45208, and Applications to Change 47056 and 47057 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/DLW/bl

Dated this 23rd day of  
April, 1986.

-----  
<sup>2</sup> NRS Chapters 533 and 534.