

IN THE OFFICE OF THE STATE ENGINEER

IN THE MATTER OF APPLICATIONS 32891,)
32892, 32893, 32894 AND 32895 FILED TO)
APPROPRIATE THE PUBLIC WATERS FROM)
AN UNDERGROUND SOURCE WITHIN THE)
NEWARK VALLEY GROUND WATER BASIN IN)
WHITE PINE COUNTY, NEVADA.)

RULING

GENERAL

Application 32891 was filed on July 22, 1977, by Gregory Richard Peck to appropriate 2.7 c.f.s. of water from an underground source to irrigate 160 acres of land within the NE1/4 Section 9, T.18N., R.55E., M.D.B.&M. The point of diversion is described as being within the NE1/4 NE1/4 Section 9, T.18N., R.55E., M.D.B.&M.¹

Application 32892 was filed on July 22, 1977, by Ruby I. Olson to appropriate 2.7 c.f.s. of water from an underground source to irrigate 160 acres of land within the N1/2 N1/2 Section 16, T.18N., R.55E., M.D.B.&M. The point of diversion is described as being within the NW1/4 NW1/4 Section 16, T.18N., R.55E., M.D.B.&M.¹

Application 32893 was filed on July 22, 1977, by Bennie A. Olson to appropriate 2.7 c.f.s. of water from an underground source to irrigate 160 acres of land within the SE1/4 Section 9, T.18N., R.55E., M.D.B.&M. The point of diversion is described as being within the NW1/4 SE1/4 Section 9, T.18N., R.55E., M.D.B.&M.¹

Application 32894 was filed on July 22, 1977, by Richard Kennedy Peck to appropriate 2.7 c.f.s. of water from an underground source to irrigate 160 acres of land within the SW1/4 Section 4, T.18N., R.55E., M.D.B.&M. The point of diversion is described as being within the NW1/4 SW1/4 Section 4, T.18N., R.55E., M.D.B.&M.¹

Application 32895 was filed on July 22, 1977, by Thomas S. Clayton to appropriate 2.7 c.f.s. of water from an underground source to irrigate 160 acres of land within the S1/2 SE1/4 Section 4 and N1/2 NW1/4 Section 10, T.18N., R.55E., M.D.B.&M. The point of diversion is described as being within the SE1/4 SE1/4 Section 4, T.18N., R.55E., M.D.B.&M.¹

FINDINGS

I.

Records and information available to the State Engineer indicate that Applications 32891, 32892, 32893, 32894 and 32895 were filed in support of Carey Act applications.²

¹ Public record in the office of the State Engineer under Applications 32891, 32892, 32893, 32894 and 32895.

² Public records in the office of the State Engineer.

II.

By letters dated April 28, 1986, the State of Nevada, Division of State Lands, Department of Conservation and Natural Resources, notified the State Engineer that the following Carey Act applications had been closed and the case files are dead.¹

**CAREY ACT
ENTRY NO.**

NAME

LAND DESCRIPTION

1277	Gregory R. Peck	T.18N., R.55E., Sec. 9, NE1/4
1278	Bennie A. Olson	T.18N., R.55E., Sec. 9, SE1/4
1279	Ruby I. Olson	T.18N., R.55E., Sec. 16, N1/2 N1/2
1280	Richard Kennedy Peck	T.18N., R.55E., Sec. 4, SW1/4
1276	Thomas S. Clayton	T.18N., R.55E., Sec. 4, S1/2 SE1/4; Sec. 10, N1/2 NW1/4

III.

The applicants under Applications 32891, 32892, 32893, 32894 and 32895 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.³

II.

Applications 32891, 32892, 32893, 32894 and 32895 were filed in support of Carey Acts. 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.

³ NRS Chapters 533 and 534.

RULING

Applications 32891, 32892, 32893, 32894 and 32895 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 23rd day of
January, 1987.