

IN THE OFFICE OF THE STATE ENGINEER

IN THE MATTER OF APPLICATIONS 34051 )  
AND 34052 FILED TO APPROPRIATE THE )  
PUBLIC WATERS FROM AN UNDERGROUND )  
SOURCE WITHIN THE LITTLE SMOKY )  
VALLEY (NORTHERN PART) GROUND )  
WATER BASIN IN WHITE PINE COUNTY, )  
NEVADA. )

RULING

GENERAL

Application 34051 was filed on October 11, 1977, by Billie J. Copeland to appropriate 2.7 c.f.s. of water from an underground source to irrigate 160 acres of land within the NW1/4 Section 15, T.17N., R.54E., M.D.B.&M. The point of diversion is described as being within the NW1/4 NW1/4 Section 15, T.17N., R.54E., M.D.B.&M.<sup>1</sup>

Application 34052 was filed on October 11, 1977, by L. D. Copeland to appropriate 2.7 c.f.s. of water from an underground source to irrigate 160 acres of land within the SW1/4 Section 15, T.17N., R.54E., M.D.B.&M. The point of diversion is described as being within the NW1/4 SW1/4 Section 15, T.17N., R.54E., M.D.B.&M.<sup>1</sup>

FINDINGS

I.

Records and information available to the State Engineer indicate that Applications 34051 and 34052 were filed in support of Carey Act Applications N-41965 and N-41966, respectively.<sup>2</sup>

II.

By letter dated September 5, 1986, the United States Department of Interior, Bureau of Land Management, notified the State Engineer that the following Carey Act applications had been closed and the case files are dead.<sup>3</sup>

<u>BLM ENTRY NO.</u>	<u>NAME</u>	<u>LAND DESCRIPTION</u>
N-41965	State of Nevada	T.17N., R.54E., Sec. 15
N-41966	State of Nevada	T.17N., R.54E., Sec. 15

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<sup>1</sup> Public record in the office of the State Engineer under Applications 34051 and 34052.

<sup>2</sup> Public records in the office of the State Engineer.

<sup>3</sup> Public record in the office of the State Engineer under Applications 34051 and 34052.

III.

The applicants under Applications 34051 and 34052 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>4</sup>

II.

Applications 34051 and 34052 were filed in support of Carey Acts. The Carey Act 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.

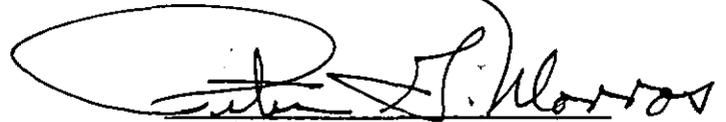
III.

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 34051 and 34052 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/SHF/bl

Dated this 12th day of  
February, 1987.

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<sup>4</sup> NRS Chapters 533 and 534.