

IN THE OFFICE OF THE STATE ENGINEER

IN THE MATTER OF APPLICATIONS 32896,)
32899, 32900 AND 32901 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 32896 was filed on July 22, 1977, by Thea M. Peck to appropriate 2.7 c.f.s. of water from an underground source to irrigate 160 acres of land within the NW1/4 Section 3, T.18N., R.55E., M.D.B.&M. The point of diversion is described as being within the SW1/4 NW1/4 Section 3, T.18N., R.55E., M.D.B.&M.¹

Application 32899 was filed on July 22, 1977, by Harriet Smith to appropriate 2.7 c.f.s. of water from an underground source to irrigate 160 acres of land within the SW1/4 Section 3, T.18N., R.55E., M.D.B.&M. The point of diversion is described as being within the NW1/4 SW1/4 Section 3, T.18N., R.55E., M.D.B.&M.¹

Application 32900 was filed on July 22, 1977, by Linda Smith to appropriate 2.7 c.f.s. of water from an underground source to irrigate 160 acres of land within the NE1/4 Section 3, T.18N., R.55E., M.D.B.&M. The point of diversion is described as being within the SW1/4 NE1/4 Section 3, T.18N., R.55E., M.D.B.&M.¹

Application 32901 was filed on July 22, 1977, by Walter T. Travis to appropriate 2.7 c.f.s. of water from an underground source to irrigate 160 acres of land within the SE1/4 Section 3, T.18N., R.55E., M.D.B.&M. The point of diversion is described as being within the SW1/4 SE1/4 Section 3, T.18N., R.55E., M.D.B.&M.¹

FINDINGS

I.

Records and information available to the State Engineer indicate that Applications 32896, 32899, 32900 and 32901 were filed in support of Carey Act applications.¹

II.

By letter dated September 3, 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.¹

¹ Public records in the office of the State Engineer.

<u>BLM ENTRY NO.</u>	<u>NAME</u>	<u>LAND DESCRIPTION</u>
N-41953	State of Nevada	T.18N., R.55E., Sec. 3
N-41954	State of Nevada	T.18N., R.55E., Sec. 3
N-41955	State of Nevada	T.18N., R.55E., Sec. 3
N-41961	State of Nevada	T.18N., R.55E., Sec. 3

III.

The applicants under Applications 32896, 32899, 32900 and 32901 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.²

II.

Applications 32896, 32899, 32900 and 32901 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 32896, 32899, 32900 and 32901 are herewith denied on the grounds that to grant the applications for irrigation purposes on lands that the applicants do 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 2nd day of
March, 1987.