

IN THE OFFICE OF THE STATE ENGINEER

IN THE MATTER OF APPLICATIONS 36710,)
36711, 37249, 39030 AND 39031 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 36710 was filed on February 12, 1979, by Mona Lou Colagan 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.17N., R.54E., M.D.B.&M. The point of diversion is described as being within the NW1/4 SE1/4 Section 9, T.17N., R.54E., M.D.B.&M.¹

Application 36711 was filed on February 12, 1979, by Mona Lou Colagan to appropriate 2.7 c.f.s. of water from an underground source to irrigate 160 acres of land within the NE1/4 Section 16, T.17N., R.54E., M.D.B.&M. The point of diversion is described as being within the NW1/4 NE1/4 Section 16, T.17N., R.54E., M.D.B.&M.¹

Application 37249 was filed on March 27, 1979, by George N. Peters to appropriate 5.4 c.f.s. of water from an underground source to irrigate 320 acres of land within the S1/2 Section 10, T.17N., R.54E., M.D.B.&M. The point of diversion is described as being within the NW1/4 SW1/4 Section 10, T.17N., R.54E., M.D.B.&M.¹

Application 39030 was filed on September 11, 1979, by Celeste S. Barron to appropriate 5.4 c.f.s. of water from an underground source to irrigate 320 acres of land within the S1/2 Section 8, T.17N., R.55E., M.D.B.&M. The point of diversion is described as being within the SE1/4 SE1/4 Section 8, T.17N., R.55E., M.D.B.&M.¹

Application 39031 was filed on September 11, 1979, by Wesley G. Barron to appropriate 5.4 c.f.s. of water from an underground source to irrigate 320 acres of land within the N1/2 Section 8, T.17N., R.55E., M.D.B.&M. The point of diversion is described as being within the SW1/4 NE1/4 Section 8, T.17N., R.55E., M.D.B.&M.¹

FINDINGS

I.

Records and information available to the State Engineer indicate that Applications 36710, 36711, 37249, 39030 and 39031 were filed in support of Desert Land Entry applications.¹

¹ Public records in the office of the State Engineer.

II.

By letter dated April 16, 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.¹

| <u>BLM ENTRY NO.</u> | <u>NAME</u> | <u>LAND DESCRIPTION</u> |
|----------------------|-------------------|---------------------------------|
| N-22900 | Mona L. Cohagen | T.17N., R.54E., Sec's. 9 and 16 |
| N-22901 | George N. Peters | T.17N., R.54E., Sec. 10 |
| N-26013 | Celeste S. Barron | T.17N., R.55E., Sec. 8 |
| N-26012 | Wesley G. Barron | T.17N., R.55E., Sec. 8 |

III.

The applicants under Applications 36710, 36711, 37249, 39030 and 39031 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 36710, 36711, 37249, 39030 and 39031 were filed in support of Desert Land Entries. The Desert Land Entry 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.

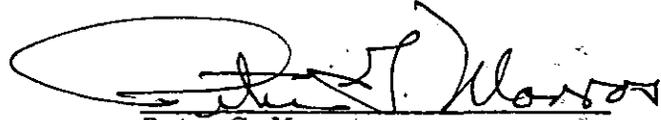
To grant applications to appropriate the public waters for irrigation on lands the applicant does not own or control or where the applicant cannot demonstrate the ability to place the water to beneficial use, would not be in the public interest and welfare.

² NRS Chapters 533 and 534.

RULING

Applications 36710, 36711, 37249, 39030 and 39031 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,

A handwritten signature in black ink, appearing to read "Peter G. Morros", is written over a horizontal line. The signature is stylized and cursive.

Peter G. Morros
State Engineer

PGM/SW/bl

Dated this 13th day of
March, 1987.