

IN THE OFFICE OF THE STATE ENGINEER

IN THE MATTER OF APPLICATIONS 37151,)
37152 AND 37153 FILED TO APPROPRIATE)
THE PUBLIC WATERS FROM AN)
UNDERGROUND SOURCE WITHIN THE)
HUNTINGTON VALLEY GROUND WATER)
BASIN IN ELKO COUNTY, NEVADA.)

RULING

GENERAL

Application 37151 was filed on March 23, 1979, by Dan B. Ouimet to appropriate 6.0 c.f.s. of water from an underground source to irrigate 320 acres of land within the W1/2 Section 15, T.29N., R.55E., M.D.B.&M. The point of diversion is described as being within the SW1/4 NW1/4 Section 15, T.29N., R.55E., M.D.B.&M.¹

Application 37152 was filed on March 23, 1979, by Vincent D. Ouimet to appropriate 6.0 c.f.s. of water from an underground source to irrigate 320 acres of land within the S1/2 Section 10, T.29N., R.55E., M.D.B.&M. The point of diversion is described as being within the NW1/4 SW1/4 Section 10, T.29N., R.55E., M.D.B.&M.¹

Application 37153 was filed on March 23, 1979, by Joan L. Ouimet to appropriate 6.0 c.f.s. of water from an underground source to irrigate 320 acres of land within the E1/2 Section 15, T.29N., R.55E., M.D.B.&M. The point of diversion is described as being within the NW1/4 NE1/4 Section 15, T.29N., R.55E., M.D.B.&M.¹

FINDINGS

I.

Records and information available to the State Engineer indicate that Applications 37151, 37152 and 37153 were filed in support of Desert Land Entry applications.¹

II.

By letter dated July 10, 1987, 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-23263	Dan B. Ouimet	T.29N., R.55E., Sec. 15
N-23267	Joan L. Ouimet	T.29N., R.55E., Sec. 10
N-23273	Vincent D. Ouimet	T.29N., R.55E., Sec. 15

¹ Public records in the office of the State Engineer.

III.

The applicants under Applications 37151, 37152 and 37153 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 37151, 37152 and 37153 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.

RULING

Applications 37151, 37152 and 37153 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 28th day of
October, 1987.

² NRS Chapters 533 and 534.