

IN THE MATTER OF APPLICATION 38262)
FILED TO APPROPRIATE THE PUBLIC)
WATERS FROM AN UNDERGROUND SOURCE)
WITHIN THE INDEPENDENCE VALLEY)
GROUND WATER BASIN IN ELKO COUNTY,)
NEVADA.)

RULING

GENERAL

Application 38262¹ was filed on June 4, 1979, by James H. Sheets to appropriate 6.4 c.f.s. of water from an underground source to irrigate 320 acres of land within the E1/4 Section 4, T.36N., R.64E., M.D.B.&M. The point of diversion is described as being within Lot 1 Section 4, T.36N., R.64E., M.D.B.&M.

FINDINGS

I.

A timely Protest² to granting of Application 38262 was filed by Bureau of Land Management.

II.

Records and information³ available to the State Engineer indicate that Application 38262 was filed in support of Desert Land Entry applications.

III.

By letter⁴ dated February 1, 1984, the United States Department of Interior, Bureau of Land Management, notified the State Engineer that the following Desert Land Entry Application had been closed and the case file is dead.

<u>BLM ENTRY NO.</u>	<u>NAME</u>	<u>LAND DESCRIPTION</u>
N-24736	James Sheets	T.36N., R.64E., Sec. 4

¹ Public record in the office of the State Engineer under application to appropriate 38262.

² Public record in the office of the State Engineer under application to appropriate 38262.

³ Public record in the office of the State Engineer.

⁴ Public record in the office of the State Engineer under Application 38262.

CONCLUSIONS

I.

The State Engineer has jurisdiction⁵ over the matter described herein.

II.

Application 38262 was filed in support of Desert Land Entry. The Desert Land Entry application described under III of Findings has been closed on the records of the Bureau of Land Management, therefore, the applicant does not own or control the land described under the place of use of the application 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 38262 is herewith denied on the grounds that to grant the application 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/BD/bl

Dated this 24th day of
FEBRUARY, 1984.

⁵ NRS Chapters 533 and 534