

IN THE MATTER OF APPLICATION 39710)
FILED TO APPROPRIATE THE PUBLIC)
WATERS FROM DEVIL DOG WASH WITHIN)
THE AMARGOSA DESERT WATER BASIN IN)
NYE COUNTY, NEVADA.)

RULING

GENERAL

Application 39710¹ was filed on November 16, 1979, by James M. Hurst to appropriate 5.0 c.f.s. of water from Devil Dog Wash to irrigate 300 acres of land within the W1/2 Section 13, T.16S., R.52E., M.D.B.&M. The point of diversion is described as being within the SW1/4 SW1/4 Section 13, T.16S., R.52E., M.D.B.&M.

FINDINGS

I.

Records and information² available to the State Engineer indicate that Application 39710 was filed in support of Desert Land Entry application.

II.

By letter³ dated July 25, 1983, 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-26092	James M. Hurst	T.16S., R.52E., Sec. 13

III.

The applicant under Application 39710 does not own or control the land described under the place of use of the application.

¹ Public record in the office of the State Engineer under application to appropriate 39710.

² Public records in the office of the State Engineer.

³ Public record in the office of the State Engineer under Application 39710.

CONCLUSIONS

I.

The State Engineer has jurisdiction⁴ over the matter described herein.

II.

Application 39710 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 application 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

Application 39710 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 22nd day of
MARCH, 1984.

⁴ NRS Chapters 533 and 534.