

IN THE MATTER OF APPLICATIONS)
37513, 37514 AND 37517 FILED TO)
APPROPRIATE THE PUBLIC WATERS FROM)
AN UNDERGROUND SOURCE WITHIN THE)
ELDORADO VALLEY GROUND WATER BASIN)
IN CLARK COUNTY, NEVADA.)
)
)

RULING

GENERAL

Application 37513¹ was filed on April 2, 1979, by Carma Brown to appropriate 5.4 c.f.s. of water from an underground source to irrigate 320 acres of land within the W1/2 Section 21, T.25S., R.64E., M.D.B.&M. The point of diversion is described as being within the SW1/4 SW1/4 Section 21, T.25S., R.64E., M.D.B.&M.

Application 37514¹ was filed on April 2, 1979, by Carlos R. Taylor to appropriate 5.0 c.f.s. of water from an underground source to irrigate 320 acres of land within the N1/2 Section 28, T.25S., R.64E., M.D.B.&M. The point of diversion is described as being within the SE1/4 NE1/4 Section 28, T.25S., R.64E., M.D.B.&M.

Application 37517¹ was filed on April 2, 1979, by Mike Casey to appropriate 5.0 c.f.s. of water from an underground source to irrigate 320 acres of land within the N1/2 Section 17, T.25S., R.64E., M.D.B.&M. The point of diversion is described as being within the NE1/4 NE1/4 Section 17, T.25S., R.64E., M.D.B.&M.

FINDINGS

I.

Records and information² available to the State Engineer indicate that Applications 37513, 37514 and 37517 were filed in support of Desert Land Entry applications.

¹ Public record in the office of the State Engineer under applications to appropriate 37513, 37514 and 37517.

² Public records in the office of the State Engineer.

II.

By letter³ dated April 26, 1984, 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.

<u>BLM ENTRY NO.</u>	<u>NAME</u>	<u>LAND DESCRIPTION</u>
N-23505	Carlos R. Taylor	T.25S., R.64E., Sec. 28
N-23506	Carma Brown	T.25S., R.64E., Sec. 21
N-23509	Mike Casey	T.25S., R.64E., Sec. 17

III.

The applicants under Applications 37513, 37514 and 37517 do not own or control the land described under the place of use of the applications.

CONCLUSIONS

I.

The State Engineer has jurisdiction⁴ over the matter described herein.

II.

Applications 37513, 37514 and 37517 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.

³ Public record in the office of the State Engineer under Applications 37513, 37514 and 37517.

⁴ NRS Chapters 533 and 534.

RULING

Applications 37513, 37514 and 37517 are herewith denied on the grounds that to grant the applications 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 4th day of
 MAY , 1984.