

IN THE MATTER OF APPLICATIONS)
36678, 36679, 36680 AND 36681 FILED)
TO APPROPRIATE THE PUBLIC WATERS)
FROM AN UNDERGROUND SOURCE WITHIN)
THE RUBY VALLEY GROUND WATER BASIN)
IN ELKO COUNTY, NEVADA.)

RULING

GENERAL

Application 36678¹ was filed on February 8, 1979, by Pedro Villalobos to appropriate 5.4 c.f.s. of water from an underground source to irrigate 320 acres of land within the N1/2 Section 35, T.32N., R.60E., M.D.B.&M. The point of diversion is described as being within the NW1/4 NE1/4 Section 35, T.32N., R.60E., M.D.B.&M.

Application 36679¹ was filed on February 8, 1979, by Pedro Villalobos to appropriate 5.4 c.f.s. of water from an underground source to irrigate 320 acres of land within the N1/2 Section 34, T.32N., R.60E., M.D.B.&M. The point of diversion is described as being within the NW1/4 NE1/4 Section 34, T.32N., R.60E., M.D.B.&M.

Application 36680¹ was filed on February 8, 1979, by Pedro Villalobos to appropriate 5.4 c.f.s. of water from an underground source to irrigate 320 acres of land within the S1/2 Section 35, T.32N., R.60E., M.D.B.&M. The point of diversion is described as being within the NW1/4 SE1/4 Section 35, T.32N., R.60E., M.D.B.&M.

Application 36681¹ was filed on February 8, 1979, by Pedro Villalobos to appropriate 5.4 c.f.s. of water from an underground source to irrigate 320 acres of land within the S1/2 Section 34, T.32N., R.60E., M.D.B.&M. The point of diversion is described as being within the NW1/4 SE1/4 Section 34, T.32N., R.60E., M.D.B.&M.

FINDINGS

I.

Records and information² available to the State Engineer indicate that Applications 36678, 36679, 36680 and 36681 were filed in support of a Desert Land Entry application.

¹ Public record in the office of the State Engineer under applications to appropriate 36678, 36679, 36680 and 36681.

² Public record in the office of the State Engineer under applications to appropriate 36678, 36679, 36680 and 36681.

II.

By letter³ dated February 16, 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-22330	Pedro Villalobos	T.32N., R.60E., Sec. 35

III.

By letter⁴ dated June 12, 1984, the United States Department of Interior, Bureau of Land Management, notified the State Engineer that Pedro Villalobos has no active Desert Land Entry application on file within Sections 34 and 35, T.32N., R.60E., M.D.B.&M.

IV.

The applicant under Applications 36678, 36679, 36680 and 36681 does not own or control the land described under the place of use of the applications.

CONCLUSIONS

I.

The State Engineer has jurisdiction⁵ over the matter described herein.

II.

Applications 36678, 36679, 36680 and 36681 were filed in support of Desert Land Entries. The Desert Land Entry applications described under II and III of Findings have 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 applications and cannot demonstrate the ability to place the water to beneficial use.

³ Public record in the office of the State Engineer under applications to appropriate 36678, 36679, 36680 and 36681.

⁴ Public record in the office of the State Engineer under applications to appropriate 36678, 36679, 36680 and 36681.

⁵ NRS Chapters 533 and 534.

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 36678, 36679, 36680 and 36681 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 20th day of
JULY, 1984.