

IN THE MATTER OF APPLICATIONS 42238)
AND 42239 FILED TO APPROPRIATE THE)
PUBLIC WATERS FROM AN UNDERGROUND)
SOURCE WITHIN THE SPRING VALLEY)
GROUND WATER BASIN IN WHITE PINE)
COUNTY, NEVADA.)

RULING 2993

GENERAL

Application 42338¹ was filed on August 28, 1980, by Lorna L. Ramsey to appropriate 5.4 c.f.s. of water from an underground source to irrigate 320 acres of land within the E1/2 Section 6, T.10N., R.67E., M.D.B.&M. The point of diversion is described as being within the NE1/4 NE1/4 Section 6, T.10N., R.67E., M.D.B.&M.

Application 42239¹ was filed on August 28, 1980, by Lorna L. Ramsey to appropriate 5.4 c.f.s. of water from an underground source to irrigate 320 acres of land within the E1/2 Section 6, T.10N., R.67E., M.D.B.&M. The point of diversion is described as being within the NE1/4 SE1/4 Section 6, T.10N., R.67E., M.D.B.&M.

FINDINGS

I.

Records and information² available to the State Engineer indicate that Applications 42238 and 42239 were filed in support of Desert Land Entry applications.

II.

By letter³ dated September 9, 1982, 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-23137	Lorna L. Ramsey	T.10N., R.67E., Sec. 6

¹ Public record in the office of the State Engineer under applications to appropriate 42238 and 42239.

² Public records in the office of the State Engineer.

³ Public record in the office of the State Engineer under Applications 42238 and 42239.

III.

The applicant under Applications 42238 and 42239 does 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 42238 and 42239 were filed in support of Desert Land Entry. The Desert Land Entry application described under II 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 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 42238 and 42239 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.

⁴ NRS Chapters 533 and 534.