

IN THE OFFICE OF THE STATE ENGINEER

IN THE MATTER OF APPLICATIONS 35995 )  
AND 35996 FILED TO APPROPRIATE THE )  
PUBLIC WATERS FROM AN UNDERGROUND )  
SOURCE WITHIN THE CLOVER VALLEY )  
GROUND WATER BASIN IN ELKO COUNTY, )  
NEVADA. )

RULING

GENERAL

Application 35995 was filed on October 11, 1978, by Albert R. Noon to appropriate 6.0 c.f.s. of water from an underground source to irrigate 480 acres of land within the W1/2 and SE1/4 Section 16, T.34N., R.62E., M.D.B.&M. The point of diversion is described as being within the NW1/4 SW1/4 Section 16, T.34N., R.62E., M.D.B.&M.<sup>1</sup>

Application 35996 was filed on October 11, 1978, by Albert R. Noon to appropriate 6.0 c.f.s. of water from an underground source to irrigate 480 acres of land within the W1/2 and SE1/4 Section 16, T.34N., R.62E., M.D.B.&M. The point of diversion is described as being within the NW1/4 NW1/4 Section 16, T.34N., R.62E., M.D.B.&M.<sup>1</sup>

FINDINGS

I.

A timely protest was filed to the granting of Applications 35995 and 35996 by the Bureau of Land Management on December 12, 1978.<sup>2</sup> The grounds of the protest are as follows:

"That the subject lands are vacant public lands and that the applicant has no authorization or right to use or convey the applied for waters on or across such lands.

II.

Records and information available to the State Engineer indicate that Applications 35995 and 35996 were filed in support of Desert Land Entry applications.<sup>3</sup>

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<sup>1</sup> Public record in the office of the State Engineer under applications to appropriate 35995 and 35996.

<sup>2</sup> Public record in the office of the State Engineer under applications to appropriate 35995 and 35996.

<sup>3</sup> Public records in the office of the State Engineer.

III.

By letter dated January 13, 1981, 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.<sup>4</sup>

<u>BLM ENTRY NO.</u>	<u>NAME</u>	<u>LAND DESCRIPTION</u>
N-22354	Albert R. Noon	T.34N., R.62E., Sec. 16, W1/2

IV.

The applicants under Applications 35995 and 35996 do not own or control the land described under the W1/2 of Section 16, T.34N., R.62E., M.D.B.&M.

CONCLUSIONS

I.

The State Engineer has jurisdiction over the matter described herein.<sup>5</sup>

II.

Applications 35995 and 35996 were filed in support of Desert Land Entries. The Desert Land Entry applications described under III 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.

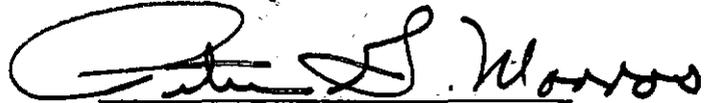
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<sup>4</sup> Public record in the office of the State Engineer under Applications 35995 and 35996.

<sup>5</sup> NRS Chapters 533 and 534.

RULING

Applications 35995 and 35996 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 17th day of

SEPTEMBER, 1984.