

IN THE OFFICE OF THE STATE ENGINEER

IN THE MATTER OF APPLICATIONS 32908)
AND 34836 FILED TO APPROPRIATE THE)
PUBLIC WATERS FROM AN UNDERGROUND)
SOURCE WITHIN THE CLOVER VALLEY)
GROUND WATER BASIN IN LINCOLN)
COUNTY, NEVADA.)

RULING

GENERAL

Application 32908 was filed on July 25, 1977, by Albert Charles Phillips to appropriate 2.0 c.f.s. of water from an underground source to irrigate 160 acres of land within the NE1/4 Section 12, T.4S., R.67E., M.D.B.&M. The point of diversion is described as being within the NW1/4 NE1/4 Section 12, T.4S., R.67E., M.D.B.&M.¹

Application 34836 was filed on January 6, 1978, by Ruth C. White to appropriate 2.0 c.f.s. of water from an underground source to irrigate 160 acres of land within the E1/2 NW1/4 Section 12 and S1/4 SE1/4 Section 1, T.4S., R.67E., M.D.B.&M. The point of diversion is described as being within the NE1/4 NW1/4 Section 12, T.4S., R.67E., M.D.B.&M.¹

FINDINGS

I.

Records and information available to the State Engineer indicate that Applications 32908 and 34836 were filed in support of Desert Land Entry applications.²

II.

By letter dated February 1, 1985, 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.³

<u>BLM ENTRY NO.</u>	<u>NAME</u>	<u>LAND DESCRIPTION</u>
N-31163	Albert Phillips	T.4S., R.67E., Sec. 12
N-31164	Ruth C. White	T.4S., R.67E., Sec's. 1, 12

¹ Public record in the office of the State Engineer under applications to appropriate 32908 and 34836.

² Public records in the office of the State Engineer.

³ Public record in the office of the State Engineer under Application 32908 and 34836.

III.

The applicants under Applications 32908 and 34836 do not own or control the land described under the place of use of the applications.

CONCLUSIONS

I.

The State Engineer has jurisdiction over the matter described herein.⁴

II.

Applications 32908 and 34836 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.

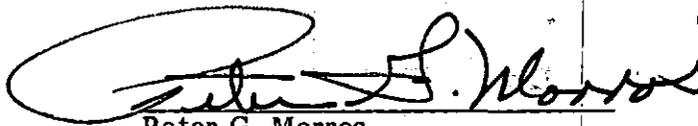
III.

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.

RULING

Applications 32908 and 34836 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/SW/bl

Dated this 28th day of
February, 1985.

⁴ NRS Chapters 533 and 534.