

IN THE OFFICE OF THE STATE ENGINEER

IN THE MATTER OF APPLICATIONS 37743 )  
AND 37744 FILED TO APPROPRIATE THE )  
PUBLIC WATERS FROM AN UNDERGROUND )  
SOURCE WITHIN THE RAILROAD VALLEY )  
GROUND WATER BASIN IN NYE COUNTY, )  
NEVADA. )  
)  
)

RULING

GENERAL

Application 37743 was filed on April 6, 1979, by Sylvester P. Gualco to appropriate 3.4 c.f.s. of water from an underground source to irrigate 200 acres of land within the NE1/4 NE1/4 and S1/2 N1/2 Section 11, T.10N., R.57E., M.D.B.&M. The point of diversion is described as being within the NE1/4 NE1/4 Section 11, T.10N., R.57E., M.D.B.&M.<sup>1</sup>

Application 37744 was filed on April 6, 1979, by Sylvester P. Gualco to appropriate 2.0 c.f.s. of water from an underground source to irrigate 120 acres of land within the SE1/4 NW1/4 and E1/2 SW1/4 Section 13, T.10N., R.57E., M.D.B.&M. The point of diversion is described as being within the NE1/4 SW1/4 Section 13, T.10N., R.57E., M.D.B.&M.<sup>1</sup>

FINDINGS

I.

Records and information available to the State Engineer indicate that Applications 37743 and 37744 were filed in support of Desert Land Entry applications.<sup>2</sup>

II.

By letter dated January 24, 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.<sup>3</sup>

<u>BLM ENTRY NO.</u>	<u>NAME</u>	<u>LAND DESCRIPTION</u>
N-23216	Sylvester P. Gualco	T.10N., R.57E., Sec's. 11, 13

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<sup>1</sup> Public record in the office of the State Engineer under applications to appropriate 37743 and 37744.

<sup>2</sup> Public records in the office of the State Engineer.

<sup>3</sup> Public record in the office of the State Engineer under Applications 37743 and 37744.

III.

The applicants under Applications 37743 and 37744 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.<sup>4</sup>

II.

Applications 37743 and 37744 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 37743 and 37744 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.

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<sup>4</sup> NRS Chapters 533 and 534.