

IN THE OFFICE OF THE STATE ENGINEER

IN THE MATTER OF APPLICATIONS 37981 )  
AND 37982 FILED TO APPROPRIATE THE )  
PUBLIC WATERS FROM AN UNDERGROUND )  
SOURCE WITHIN THE LAMOILLE VALLEY )  
GROUND WATER BASIN IN ELKO COUNTY, )  
NEVADA. )

RULING

GENERAL

Application 37981 was filed on April 20, 1979, by Joe Sustacha, Jr., to appropriate 6.0 c.f.s. of water from an underground source to irrigate 320 acres of land within the N1/2 Section 34, T.34N., R.57E., M.D.B.&M. The point of diversion is described as being within the SW1/4 NW1/4 Section 34, T.34N., R.57E., M.D.B.&M.<sup>1</sup>

Application 37982 was filed on April 20, 1979, by John Sustacha to appropriate 6.0 c.f.s. of water from an underground source to irrigate 320 acres of land within the N1/2 Section 18, T.34N., R.57E., M.D.B.&M. The point of diversion is described as being within the SW1/4 NW1/4 Section 18, T.34N., R.57E., M.D.B.&M.<sup>1</sup>

FINDINGS

I.

Records and information available to the State Engineer indicate that Applications 37981 and 37982 were filed in support of Desert Land Entry applications.<sup>2</sup>

II.

By letter dated March 13, 1985, the United States Department of Interior, Bureau of Land Management, notified the State Engineer that no Desert Land Entry Applications had been filed on land covered by Applications 37981 and 37982.<sup>3</sup>

III.

The applicants under Applications 37981 and 37982 do not own or control the land described under the place of use of the applications.

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<sup>1</sup> Public record in the office of the State Engineer under applications to appropriate 37981 and 37982.

<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 37981 and 37982.

CONCLUSIONS

I.

The State Engineer has jurisdiction over the matter described herein.<sup>4</sup>

II.

Applications 37981 and 37982 were filed in support of Desert Land Entries. No Desert Land Entry applications have been filed with the United States 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.

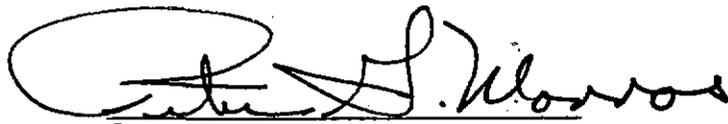
III.

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 37981 and 37982 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 4th day of  
April, 1985.

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