

IN THE OFFICE OF THE STATE ENGINEER

IN THE MATTER OF APPLICATIONS 39506,)
39638, 39639, 39907, 39925, 45331 AND 45332)
FILED TO APPROPRIATE THE PUBLIC)
WATERS FROM AN UNDERGROUND SOURCE)
WITHIN THE BUTTE VALLEY (NORTHERN)
PART) GROUND WATER BASIN IN ELKO)
COUNTY, NEVADA.

RULING

GENERAL

Application 39506 was filed on November 2, 1979, by Don Bailey to appropriate 10.8 c.f.s. of water from an underground source to irrigate 640 acres of land within the E1/2 Section 18 and W1/2 Section 17, T.26N., R.62E., M.D.B.&M. The point of diversion is described as being within the NE1/4 SE1/4 Section 18, T.26N., R.62E., M.D.B.&M.¹

Application 39638 was filed on November 14, 1979, by Paul S. Ferguson to appropriate 10.8 c.f.s. of water from an underground source to irrigate 640 acres of land within the E1/2 Section 16 and W1/2 Section 15, T.30N., R.62E., M.D.B.&M. The point of diversion is described as being within the SE1/4 NE1/4 Section 16, T.30N., R.62E., M.D.B.&M. Application 39638 was assigned to Wendell Neilson on July 3, 1980.¹

Application 39639 was filed on November 14, 1979, by John P. Stovall to appropriate 5.4 c.f.s. of water from an underground source to irrigate 320 acres of land within the E1/2 W1/2, W1/2 E1/2 Section 21, T.30N., R.62E., M.D.B.&M. The point of diversion is described as being within the SE1/4 NW1/4 Section 21, T.30N., R.62E., M.D.B.&M. Application 39639 was assigned to Marion D. Turley on July 3, 1980.¹

Application 39907 was filed on December 7, 1979, by Louis I. Weiner to appropriate 5.4 c.f.s. of water from an underground source to irrigate 320 acres of land within the S1/2 Section 21, T.27N., R.62E., M.D.B.&M. The point of diversion is described as being within the NW1/4 SW1/4 Section 21, T.27N., R.62E., M.D.B.&M.¹

Application 39925 was filed on December 10, 1979, by Nina G. Weiner to appropriate 5.4 c.f.s. of water from an underground source to irrigate 320 acres of land within the N1/2 Section 21, T.27N., R.62E., M.D.B.&M. The point of diversion is described as being within the NE1/4 NE1/4 Section 21, T.27N., R.62E., M.D.B.&M.¹

Application 45331 was filed on February 16, 1982, by Richard Paul Mosesian to appropriate 5.4 c.f.s. of water from an underground source to irrigate 320 acres of land within the E1/2 Section 19, T.30N., R.62E., M.D.B.&M. The point of diversion is described as being within the SW1/4 NE1/4 Section 19, T.30N., R.62E., M.D.B.&M.¹

¹ Public record in the office of the State Engineer under applications to appropriate 39506, 39638, 39639, 39907, 39925, 45331 and 45332.

Application 45332 was filed on February 16, 1982, by Paul Charles Mosesian to appropriate 5.4 c.f.s. of water from an underground source to irrigate 320 acres of land within the W1/2 Section 31, T.30N., R.62E., M.D.B.&M. The point of diversion is described as being within the SE1/4 NW1/4 Section 31, T.30N., R.62E., M.D.B.&M.¹

FINDINGS

I.

Records and information available to the State Engineer indicate that Applications 39506, 39638, 39639, 39907, 39925, 45331 and 45332 were filed in support of Desert Land Entry applications.²

II.

By letter dated January 30, 1986, 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-30366	Don Bailey	T.26N., R.62E., Sec. 18
N-29838	Wendell H. Nielson	T.30N., R.62E., Sec. 16
N-29781	Marion D. Turley	T.30N., R.62E., Sec. 21
N-27725	Louis I. Weiner	T.27N., R.62E., Sec. 21
N-27723	Nina G. Weiner	T.27N., R.62E., Sec. 21
N-31918	Richard P. Mosesian	T.30N., R.62E., Sec. 19
N-31919	Paul C. Mosesian	T.30N., R.62E., Sec. 31

III.

The applicants under Applications 39506, 39638, 39639, 39907, 39925, 45331 and 45332 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

² Public records in the office of the State Engineer.

³ Public record in the office of the State Engineer under Applications 39506, 39638, 39639, 39907, 39925, 45331 and 45332.

⁴ NRS Chapters 533 and 534.

II.

Applications 39506, 39638, 39639, 39907, 39925, 45331 and 45332 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 39506, 39638, 39639, 39907, 39925, 45331 and 45332 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,

A handwritten signature in cursive script, appearing to read "Peter G. Morros", is written over a horizontal line. The signature is enclosed within a large, hand-drawn oval.

Peter G. Morros
State Engineer

PGM/SW/bl

Dated this 7th day of
March, 1986.