

IN THE OFFICE OF THE STATE ENGINEER

IN THE MATTER OF APPLICATIONS )  
39908, 39914, 41760 AND 41761 )  
FILED TO APPROPRIATE THE PUBLIC )  
WATERS FROM AN UNDERGROUND )  
SOURCE WITHIN THE BUTTE VALLEY )  
(SOUTHERN PART) GROUND WATER )  
BASIN IN ELKO COUNTY, NEVADA )

RULING

GENERAL

I.

Application 39908 was filed on December 7, 1979, by Andrew M. Skaggs to appropriate 5.4 c.f.s. of water from an underground source for irrigation and domestic purposes on 320 acres of land within the S $\frac{1}{2}$  Section 9, T.26N., R.62E., M.D.B.&M. The point of diversion is described as being within the NW $\frac{1}{4}$  SW $\frac{1}{4}$  Section 9, T.26N., R.62E., M.D.B.&M.<sup>1</sup>

Application 39914 was filed on December 10, 1979, by Beth Skaggs to appropriate 5.4 c.f.s. of water from an underground source for irrigation and domestic purposes on 320 acres of land within the S $\frac{1}{2}$  Section 10, T.26N., R.62E., M.D.B.&M. The point of diversion is described as being within the NE $\frac{1}{4}$  SW $\frac{1}{4}$  Section 10, T.26N., R.62E., M.D.B.&M.<sup>1</sup>

Application 41760 was filed on July 15, 1980, by Don Bailey to appropriate 10.8 c.f.s. of water from an underground source for irrigation purposes on 320 acres of land within the N $\frac{1}{2}$  SW $\frac{1}{4}$ , S $\frac{1}{2}$  NW $\frac{1}{4}$  Section 17; N $\frac{1}{2}$  SE $\frac{1}{4}$ , S $\frac{1}{2}$  NE $\frac{1}{4}$  Section 18, T.26N., R.62E., M.D.B.&M. The point of diversion is described as being within the NE $\frac{1}{4}$  SE $\frac{1}{4}$  Section 18, T.26N., R.62E., M.D.B.&M.<sup>1</sup>

Application 41761 was filed on July 15, 1980, by Esther A. White to appropriate 5.4 c.f.s. of water from an underground source for irrigation purposes on 320 acres of land within the S $\frac{1}{2}$  Section 12, T.26N., R.61E., M.D.B.&M. The point of diversion is described as being within the NW $\frac{1}{4}$  SE $\frac{1}{4}$  Section 12, T.26N., R.61E., M.D.B.&M.<sup>1</sup>

FINDINGS

I.

Records and information available to the State Engineer indicate that Applications 39908, 39914, 41760 and 41761 were filed in support of Desert Land Entry applications.<sup>2</sup>

<sup>1</sup> Public record in the office of the State Engineer under applications to appropriate 39908, 39914, 41760 and 41761.

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

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.<sup>3</sup>

<u>BLM ENTRY NO.</u>	<u>NAME</u>	<u>LAND DESCRIPTION</u>
N-27724	Andrew M. Skaggs	T.26N., R.62E., Sec. 9
N-27660	Beth M. Skaggs	T.26N., R.62E., Sec. 10
N-30367	Gwendolyn Mecham	T.26N., R.62E., Sec. 18
N-29256	Esther A. White	T.26N., R.61E., Sec. 12

III.

The applicants under Applications 39088, 39914, 41760 and 41761 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 39908, 39914, 41760 and 41761 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.

<sup>3</sup> Public record in the office of the State Engineer under Applications 39908, 39914, 41760 and 41761.

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

RULING

Applications 39908, 39914, 41760 and 41761 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 black ink, appearing to read "Peter G. Morros", written over a horizontal line.

Peter G. Morros  
State Engineer

PGM/SW/bc

Dated this 10th day of  
MARCH, 1986.