

IN THE OFFICE OF THE STATE ENGINEER

IN THE MATTER OF APPLICATIONS 43681, )  
43682 AND 43683 FILED TO APPROPRIATE )  
THE PUBLIC WATERS FROM AN )  
UNDERGROUND SOURCE WITHIN THE )  
BUTTE VALLEY GROUND WATER BASIN IN )  
ELKO COUNTY, NEVADA. )

RULING

GENERAL

Application 43681 was filed on May 6, 1981, by Calvin M. Dyer to appropriate 5.4 c.f.s. of water from an underground source to irrigate 313.70 acres of land within the S1/2 Section 7, T.29N., R.63E., M.D.B.&M. The point of diversion is described as being within Lot 4 Section 7, T.29N., R.63E., M.D.B.&M.<sup>1</sup>

Application 43682 was filed on May 6, 1981, by Larry Kent Henderson to appropriate 5.4 c.f.s. of water from an underground source to irrigate 320 acres of land within the W1/2 Section 17, T.29N., R.63E., M.D.B.&M. The point of diversion is described as being within the SW1/4 SW1/4 Section 17, T.29N., R.63E., M.D.B.&M.<sup>1</sup>

Application 43683 was filed on May 6, 1981, by Jean Marie Henderson to appropriate 5.4 c.f.s. of water from an underground source to irrigate 320 acres of land within the E1/2 Section 17, T.29N., R.63E., M.D.B.&M. The point of diversion is described as being within the NE1/4 NE1/4 Section 17, T.29N., R.63E., M.D.B.&M.<sup>1</sup>

FINDINGS

I.

Records and information available to the State Engineer indicate that Applications 43681, 43682 and 43683 were filed in support of Desert Land Entry applications.<sup>1</sup>

II.

By letter dated November 7, 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>1</sup>

<u>BLM ENTRY NO.</u>	<u>NAME</u>	<u>LAND DESCRIPTION</u>
N-33099	Calvin M. Dyer	T.29N., R.63E., Sec. 7, S1/2
N-33052	Larry K. Henderson	T.29N., R.63E., Sec. 17, W1/2
N-33051	Jean M. Henderson	T.29N., R.63E., Sec. 17, E1/2

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<sup>1</sup> Public records in the office of the State Engineer.

III.

The applicants under Applications 43681, 43682 and 43683 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>2</sup>

II.

Applications 43681, 43682 and 43683 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 43681, 43682 and 43683 are herewith denied on the grounds that to grant the applications for irrigation purposes on lands that the applicants do 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 27th day of  
February, 1987.

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<sup>2</sup> NRS Chapters 533 and 534.