

IN THE OFFICE OF THE STATE ENGINEER

IN THE MATTER OF APPLICATIONS 32368,)
32369, 32370, 37219, 40155 AND 40273 FILED)
TO APPROPRIATE THE PUBLIC WATERS)
FROM AN UNDERGROUND SOURCE WITHIN)
THE STEPTOE VALLEY GROUND WATER)
BASIN IN ELKO COUNTY, NEVADA.)

RULING

GENERAL

Application 32368 was filed on June 28, 1977, by the Steptoe Farms Association to appropriate 6.0 c.f.s. of water from an underground source to irrigate 320 acres of land within the N1/2 SW1/4, S1/2 NW1/4, NE1/4 NW1/4, W1/2 NE1/4 and NW1/4 SE1/4 Section 35, T.27N., R.64E., M.D.B.&M. The point of diversion is described as being within the SW1/4 NW1/4 Section 35, T.27N., R.64E., M.D.B.&M.¹

Application 32369 was filed on June 28, 1977 by the Steptoe Farms Association to appropriate 6.0 c.f.s. of water from an underground source to irrigate 320 acres of land within the SE1/4 Section 26 and SW1/4 Section 25, T.27N., R.64E., M.D.B.&M. The point of diversion is described as being within the SW1/4 SE1/4 Section 26, T.27N., R.64E., M.D.B.&M.¹

Application 32370 was filed on June 28, 1977, by the Steptoe Farms Association to appropriate 6.0 c.f.s. of water from an underground source to irrigate 320 acres of land within the E1/2 NE1/4 and NE1/4 SE1/4 Section 35, NW1/4 and NW1/4 SW1/4 Section 36, T.27N., R.64E., M.D.B.&M. The point of diversion is described as being within the NE1/4 NE1/4 Section 35, T.27N., R.64E., M.D.B.&M.¹

Application 37219 was filed on March 26, 1979, by Robert F. Irlbeck to appropriate 5.4 c.f.s. of water from an underground source to irrigate 301 acres of land within the N1/2 Section 16, T.26N., R.65E., M.D.B.&M. The point of diversion is described as being within the SE1/4 NE1/4 Section 16, T.26N., R.65E., M.D.B.&M.¹

Application 40155 was filed on December 21, 1979, by Gloria A. Zaki to appropriate 5.4 c.f.s. of water from an underground source to irrigate 320 acres of land within the E1/2 Section 29, T.28N., R.64E., M.D.B.&M. The point of diversion is described as being within the NW1/4 NE1/4 Section 29, T.28N., R.64E., M.D.B.&M.¹

Application 40273 was filed on January 9, 1980, by Sayed M. Zaki, M.D., to appropriate 5.4 c.f.s. of water from an underground source to irrigate 320 acres of land within the W1/2 Section 29, T.28N., R.64E., M.D.B.&M. The point of diversion is described as being within the NW1/4 NW1/4 Section 29, T.28N., R.64E., M.D.B.&M.¹

¹ Public records in the office of the State Engineer.

FINDINGS

I.

Records and information available to the State Engineer indicate that Applications 32368, 32369, 32370, 37219, 40155 and 40273 were filed in support of Desert Land Entry applications.¹

II.

By letter dated February 25, 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.¹

<u>BLM ENTRY NO.</u>	<u>NAME</u>	<u>LAND DESCRIPTION</u>
N-23606	F. B. Hicks	T.27N., R.64E., Sec. 35
N-23608	Gary D. North	T.27N., R.64E., Secs. 25, 26
N-23607	Clyde R. Drake	T.27N., R.64E., Secs. 35, 36
N-22659	Robert F. Irlbeck	T.26N., R.65E., Sec. 16
N-23999	Sayed M. Zaki, M.D.	T.28N., R.64E., Sec. 29
N-24000	Gloria A. Zaki	T.28N., R.64E., Sec. 29

III.

The applicants under Applications 32368, 32369, 32370, 37219, 40155 and 40273 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.²

II.

Applications 32368, 32369, 32370, 37219, 40155 and 40273 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.

² NRS Chapters 533 and 534.

RULING

Applications 32368, 32369, 32370, 37219, 40155 and 40273 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,

A handwritten signature in black ink, appearing to read "Peter G. Morros", is written over a horizontal line. The signature is stylized and cursive.

Peter G. Morros
State Engineer

PGM/SW/bl

Dated this 27th day of
February, 1987.