

IN THE OFFICE OF THE STATE ENGINEER

IN THE MATTER OF APPLICATIONS 39860,)
39861, 39862, 39865, 40176 AND 40177 FILED)
TO APPROPRIATE THE PUBLIC WATERS)
FROM AN UNDERGROUND SOURCE WITHIN)
THE ANTELOPE VALLEY (SOUTHERN PART))
GROUND WATER BASIN IN ELKO COUNTY,)
NEVADA.)

RULING

GENERAL

Application 39860 was filed on December 3, 1979, by Albert Bradley Krueger to appropriate 5.4 c.f.s. of water from an underground source to irrigate 300 acres of land within the SW1/4 Section 10, NW1/4 Section 15, T.27N., R.68E., M.D.B.&M. The point of diversion is described as being within the SW1/4 SW1/4 Section 10, T.27N., R.68E., M.D.B.&M.¹

Application 39861 was filed on December 3, 1979, by Yvonne M. Krueger to appropriate 5.4 c.f.s. of water from an underground source to irrigate 320 acres of land within the N1/2 Section 16, T.27N., R.68E., M.D.B.&M. The point of diversion is described as being within the NE1/4 NE1/4 Section 16, T.27N., R.68E., M.D.B.&M.¹

Application 39862 was filed on December 3, 1979, by Albert E. Krueger to appropriate 5.4 c.f.s. of water from an underground source to irrigate 320 acres of land within the S1/2 Section 9, T.27N., R.68E., M.D.B.&M. The point of diversion is described as being within the SE1/4 SE1/4 Section 9, T.27N., R.68E., M.D.B.&M.¹

Application 39865 was filed on December 3, 1979, by Glade A. Child to appropriate 5.4 c.f.s. of water from an underground source to irrigate 320 acres of land within the SE1/4 Section 10, NE1/4 Section 15, T.27N., R.68E., M.D.B.&M. The point of diversion is described as being within the SW1/4 SE1/4 Section 10, T.27N., R.68E., M.D.B.&M.¹

Application 40176 was filed on December 28, 1979, by John W. Purdue 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.27N., R.68E., M.D.B.&M. The point of diversion is described as being within the SE1/4 NE1/4 Section 17, T.27N., R.68E., M.D.B.&M.¹

Application 40177 was filed on December 28, 1979, by Beth R. Purdue to appropriate 5.4 c.f.s. of water from an underground source to irrigate 320 acres of land within the S1/2 Section 15, T.27N., R.68E., M.D.B.&M. The point of diversion is described as being within the NW1/4 SW1/4 Section 15, T.27N., R.68E., 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 39860, 39861, 39862, 39865, 40176 and 40177 were filed in support of Desert Land Entry applications.¹

II.

By letter dated April 24, 1987, 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-27506	Yvonne M. Krueger	T.27N., R.68E., Sec. 16
N-27507	Albert E. Krueger	T.27N., R.68E., Sec. 9
N-27508	Albert B. Krueger	T.27N., R.68E., Sec's. 10, 15
N-27510	Glade A. Child	T.27N., R.68E., Sec's. 10, 15
N-27850	John W. Purdue	T.27N., R.68E., Sec. 17
N-27851	Beth R. Purdue	T.27N., R.68E., Sec. 15

III.

The applicants under Applications 39860, 39861, 39862, 39865, 40176 and 40177 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 39860, 39861, 39862, 39865, 40176 and 40177 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 39860, 39861, 39862, 39865, 40176 and 40177 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", is written over a horizontal line. The signature is stylized and cursive.

Peter G. Morros
State Engineer

PGM/SW/bl

Dated this 2nd day of
June, 1987.