

IN THE OFFICE OF THE STATE ENGINEER

IN THE MATTER OF APPLICATIONS 42278,)
42279, 42280 AND 42281 FILED TO)
APPROPRIATE THE PUBLIC WATERS FROM)
AN UNDERGROUND SOURCE WITHIN THE)
SPRING VALLEY GROUND WATER BASIN IN)
WHITE PINE COUNTY, NEVADA.)

RULING 347/

GENERAL

Application 42278 was filed on August 28, 1980, by Linda D. Murphy to appropriate 5.4 c.f.s. of water from an underground source to irrigate 320 acres of land within the S1/2 Section 4, T.13N., R.67E., M.D.B.&M. The point of diversion is described as being within the NW1/4 SW1/4 Section 4, T.13N., R.67E., M.D.B.&M.¹

Application 42279 was filed on August 28, 1980, by Linda D. Murphy to appropriate 5.4 c.f.s. of water from an underground source to irrigate 320 acres of land within the S1/2 Section 4, T.13N., R.67E., M.D.B.&M. The point of diversion is described as being within the NW1/4 SE1/4 Section 4, T.13N., R.67E., M.D.B.&M.¹

Application 42280 was filed on August 28, 1980, by Michael C. Murphy to appropriate 5.4 c.f.s. of water from an underground source to irrigate 320 acres of land within the N1/2 Section 4, T.13N., R.67E., M.D.B.&M. The point of diversion is described as being within the NW1/4 NW1/4 Section 4, T.13N., R.67E., M.D.B.&M.¹

Application 42281 was filed on August 28, 1980, by Michael C. Murphy to appropriate 5.4 c.f.s. of water from an underground source to irrigate 320 acres of land within the N1/2 Section 4, T.13N., R.67E., M.D.B.&M. The point of diversion is described as being within the NW1/4 NE1/4 Section 4, T.13N., R.67E., M.D.B.&M.¹

FINDINGS

I.

Timely protests were filed on May 8, 1981, to the granting of Applications 42280 and 42281 by Robert L. Harbecke and Fern A. Harbecke. The protests were subsequently withdrawn when the protestants decided the wells would not have an adverse effect on their existing underground rights.¹

II.

Records and information available to the State Engineer indicate that Applications 42278, 42279, 42280 and 42281 were filed in support of Desert Land Entry applications.¹

¹ Public records in the office of the State Engineer.

III.

By letter dated June 25, 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-23156 | Michael C. Murphy | T.13N., R.67E., Sec. 4 |
| N-23157 | Linda K. Murphy | T.13N., R.67E., Sec. 4 |

IV.

The applicants under Applications 42278, 42279, 42280 and 42281 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 42278, 42279, 42280 and 42281 were filed in support of Desert Land Entries. The Desert Land Entry applications described under III 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 42278, 42279, 42280 and 42281 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 with a large, looping initial "P".

Peter G. Morros
State Engineer

PGM/SW/bl

Dated this 28th day of
October, 1987.