

IN THE OFFICE OF THE STATE ENGINEER

IN THE MATTER OF APPLICATION 44174 )  
FILED TO APPROPRIATE THE PUBLIC )  
WATERS FROM AN UNDERGROUND SOURCE )  
WITHIN THE PINE VALLEY GROUND WATER )  
BASIN IN EUREKA COUNTY, NEVADA. )

RULING

GENERAL

Application 44174 was filed on July 21, 1981, by John M. Lira, Jr., to appropriate 5.4 c.f.s. of water from an underground source to irrigate 320 acres of land within the N1/2 Section 29, T.28N., R.52E., M.D.B.&M. The point of diversion is described as being within the NE1/4 NE1/4 Section 29, T.28N., R.52E., M.D.B.&M.<sup>1</sup>

FINDINGS

I.

A timely protest was filed on January 28, 1982, to the granting of Application 44174 by Floyd Slagowski, President of Slagowski Ranches, Inc., on the following grounds:<sup>1</sup>

- "1. If the application of JOHN M. LIRA, JR. is granted the use of water from a well will cause drawdown of water sources in the area.
2. Drawdown will reduce the flows of present sources.
3. If this permit is granted, the water table will be lowered.
4. This filing would cause interference with my grazing operation as I control the movement of my livestock through control of water. I would have no control over the permitted water use, and thus my livestock management plan may be disrupted.
5. The use of the water on U. S. owned BLM land would interfere with the use of water by me on the same U. S. owned BLM land.
6. Springs within the area may be dried up if JOHN M. LIRA, JR. is permitted to remove water from the ground water basin.
7. Sub-irrigated meadows within the area applied for may be dried up lowering the production of these areas.

II.

Records and information available to the State Engineer indicate that Application 44174 was filed in support of a Desert Land Entry application.<sup>1</sup>

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

III.

By letter dated July 6, 1987, the United States Department of Interior, Bureau of Land Management, notified the State Engineer that the following Desert Land Entry Application had been closed and the case file is dead.<sup>1</sup>

<u>BLM ENTRY NO.</u>	<u>NAME</u>	<u>LAND DESCRIPTION</u>
N-34277	John M. Lira, Jr.	T.28N., R.52E., Sec. 29

IV.

The applicant under Application 44174 does not own or control the land described under the place of use of the application.

CONCLUSIONS

I.

The State Engineer has jurisdiction over the matter described herein.<sup>2</sup>

II.

Application 44174 was filed in support of a Desert Land Entry. The Desert Land Entry application described under III of Findings has been closed on the records of the Bureau of Land Management, therefore, the applicant does not own or control the land described under the place of use of the application and cannot demonstrate the ability to place the water to beneficial use.

III.

To grant an application 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.

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

RULING

Application 44174 is herewith denied on the grounds that to grant the application 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 enclosed within a large, hand-drawn oval.

Peter G. Morros  
State Engineer

PGM/SW/bl

Dated this 28th day of  
October, 1987.