

IN THE OFFICE OF THE STATE ENGINEER

IN THE MATTER OF APPLICATIONS 37509,)
37510 AND 37511 FILED TO APPROPRIATE)
THE PUBLIC WATERS FROM AN)
UNDERGROUND SOURCE WITHIN THE)
PAHRANAGAT VALLEY GROUND WATER)
BASIN IN LINCOLN COUNTY, NEVADA.)

RULING

349³

GENERAL

Application 37509¹ was filed on April 2, 1979, by Ardeth B. Taylor to appropriate 4.0 c.f.s. of water from an underground source to irrigate 140 acres of land within the E $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 32, T.6S., R.61E., M.D.B.&M. The point of diversion is described as being within the NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 32, T.6S., R.61E., M.D.B.&M.

Application 37510¹ was filed on April 2, 1979, by Ardeth B. Taylor to appropriate 1.0 c.f.s. of water from an underground source to irrigate 80 acres of land within the SW $\frac{1}{4}$ SE $\frac{1}{4}$ and SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 31, T.6S., R.61E., M.D.B.&M. The point of diversion is described as being within the SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 31, T.6S., R.61E., M.D.B.&M.

Application 37511¹ was filed on April 2, 1979, by Charles W. Meyer to appropriate 4.0 c.f.s. of water from an underground source to irrigate 240 acres of land within the W $\frac{1}{2}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$ and S $\frac{1}{2}$ SW $\frac{1}{4}$ Section 7, T.7S., R.61E., M.D.B.&M. The point of diversion is described as being within the SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 7, T.7S., R.61E., M.D.B.&M.

FINDINGS

I.

Records and information available to the State Engineer indicate that Applications² 37509, 37510 and 37511 were filed in support of Desert Land Entry applications.

II.

By letter dated October 27, 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.³

1 Public record in the office of the State Engineer under applications to appropriate 37509, 37510 and 37511.

2 Public records in the office of the State Engineer.

3 Public record in the office of the State Engineer under Applications 37509, 37510 and 37511.

<u>BLM ENTRY NO.</u>	<u>NAME</u>	<u>LAND DESCRIPTION</u>
N-23510	ARDETH B. TAYLOR	T.6S., R.61E., Sec's. 31,32
N-23504	CHARLES W. MEYER	T.7S., R.61E., Sec. 7

III.

The applicants under Applications 37509, 37510 and 37511 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.⁴

II.

Applications 37509, 37510 and 37511 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.

RULING

Applications 37509, 37510 and 37511 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,


PETER G. MORROS
State Engineer

PGM/SW/bk

Dated this 25th day of
January, 1988.

4 NRS Chapters 533 and 534.