

IN THE OFFICE OF THE STATE ENGINEER

IN THE MATTER OF APPLICATIONS 39836)
AND 39843 FILED TO APPROPRIATE THE)
PUBLIC WATERS FROM AN UNDERGROUND)
SOURCE WITHIN THE BUTTE VALLEY)
(SOUTHERN PART) GROUNDWATER BASIN IN)
ELKO COUNTY, NEVADA.)

RULING

GENERAL

Application 39836¹ was filed on November 29, 1979, by Robert L. Cox to appropriate 5.7 c.f.s. of water from an underground source to irrigate 320 acres of land within the S $\frac{1}{2}$ Section 4, T.26N., R.62E., M.D.B.&M. The point of diversion is described as being within the NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 4, T.26N., R.62E., M.D.B.&M.¹

Application 39843¹ was filed on November 29, 1979, by Fusako S. Cox to appropriate 5.7 c.f.s. of water from an underground source to irrigate 320 acres of land within Lots 3, 4, 5, 6, 7; SE $\frac{1}{4}$ NW $\frac{1}{4}$ and E $\frac{1}{2}$ SW $\frac{1}{4}$ all in Section 6 T.26N., R.62E., M.D.B.&M. The point of diversion is described as being within Lot 4 Section 6, T.26N., R.62E., M.D.B.&M.

FINDINGS

I.

Records and information available to the State Engineer indicate that Applications 39836 and 39843 were filed in support of Desert Land Entry applications.²

II.

By letter dated May 1, 1989, 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.²

¹ Public information in the office of the State Engineer.

² Public record filed under Applications 39836 and 39843.

<u>BLM ENTRY NO.</u>	<u>NAME</u>	<u>LAND DESCRIPTION</u>
N-27604	Fusako S. Cox	T.26N., R.62E., Sec. 4
N-27606	Robert L. Cox	T.26N., R.62E., Sec. 6

III.

The applicants under Applications 39836 and 39843 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.³

II.

Applications 39836 and 39843 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.

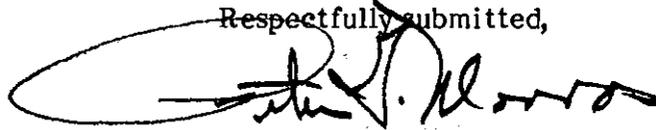
To grant applications to appropriate the public water for irrigation on lands the applicant does not own or control or where the applicant cannot demonstrate the ability to place the water to beneficial use, would not be in the public interest and welfare.

³ NRS Chapters 533 and 534.

RULING

Applications 39836 and 39843 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", written over a large, loopy oval scribble.

PETER G. MORROS
State Engineer

PGM/SW/bk

Dated this 7th day of

July, 1989.