

IN THE OFFICE OF THE STATE ENGINEER

IN THE MATTER OF APPLICATION )  
39981 FILED TO APPROPRIATE THE )  
PUBLIC WATERS FROM AN )  
UNDERGROUND SOURCE WITHIN THE )  
MONITOR VALLEY (SOUTHERN PART))  
GROUND WATER BASIN IN NYE )  
COUNTY, NEVADA. )

RULING

GENERAL

I.

Application 39981 was filed on December 14, 1979 by Theodore D. Garfield to appropriate 7.4 c.f.s. of water from an underground source to irrigate 320 acres of land within the E1/2 of Section 15, T.9N., R.46E., M.D.B.&M. The point of diversion is described as being within the SW1/4 NE1/4 Section 15, T.9N., R.46E., M.D.B.&M.<sup>1</sup>

FINDINGS OF FACT

I.

Records and information available to the State Engineer indicate that Application 39981 was filed in support of a Desert Land Entry application.<sup>2</sup>

II.

By letter dated January 19, 1990, 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>

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<sup>1</sup> Public record in the Office of the State Engineer.

<sup>2</sup> Public record in the Office of the State Engineer under Application 39981.

3686

<u>BLM ENTRY NO.</u>	<u>NAME</u>	<u>LAND DESCRIPTION</u>
N-27687	Theodore D. Garfield	T.9N., R.46E., Sec. 15,

III.

The applicant under Application 39981 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>3</sup>

II.

Application 39981 was filed in support of a Desert Land Entry. The Desert Land Entry application described under II of Findings of Fact 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.

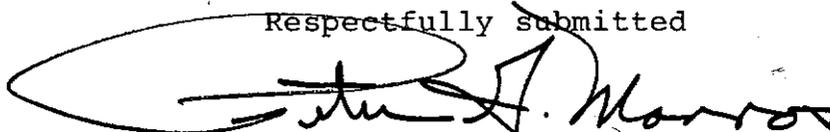
To grant an application to appropriate the public water for irrigation on lands the applicant does not own or control or where the applicant cannot demonstrate the ability to place the water to beneficial use, would not be in the public interest and welfare.

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<sup>3</sup> NRS Chapters 533 and 534.

RULING

Application 39981 is herewith denied on the grounds that to grant an 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 large, hand-drawn oval. The signature is fluid and cursive.

PETER G. MORROS  
State Engineer

PGM/SW/pm

Dated this 29th day of

January, 1990