

IN THE MATTER OF APPLICATIONS)
37368, 37369 AND 37371 FILED TO)
APPROPRIATE THE PUBLIC WATERS FROM)
AN UNDERGROUND SOURCE WITHIN THE)
RUBY VALLEY GROUND WATER BASIN IN)
ELKO COUNTY, NEVADA.)

RULING

GENERAL

Application 37368¹ was filed on March 30, 1979, by Harold P. Huyser to appropriate 5.4 c.f.s. of water from an underground source to irrigate 320 acres of land within the SW1/4 Section 13 and NW1/4 Section 24, T.32N., R.60E., M.D.B.&M. The point of diversion is described as being within the SW1/4 SW1/4 Section 13, T.32N., R.60E., M.D.B.&M.

Application 37369¹ was filed on March 30, 1979, by Marvin Huyser to appropriate 5.4 c.f.s. of water from an underground source to irrigate 320 acres of land within the E1/2 Section 26, T.32N., R.60E., M.D.B.&M. The point of diversion is described as being within the SW1/4 NE1/4 Section 26, T.32N., R.60E., M.D.B.&M.

Application 37371¹ was filed on March 30, 1979, by Reeta Huyser to appropriate 5.4 c.f.s. of water from an underground source to irrigate 320 acres of land within the W1/2 Section 26, T.32N., R.60E., M.D.B.&M. The point of diversion is described as being within the NE1/4 SW1/4 Section 26, T.32N., R.60E., M.D.B.&M.

FINDINGS

I.

Records and information² available to the State Engineer indicate that Applications 37368, 37369 and 37371 were filed in support of Desert Land Entry applications.

II.

Records and information³ available to the State Engineer indicate that Applications 37368, 37369 and 37371 were assigned on September 10, 1979, to H and A Land and Cattle, Inc.

¹ Public record in the office of the State Engineer under applications to appropriate 37368, 37369 and 37371.

² Public records in the office of the State Engineer.

³ Public record in the office of the State Engineer under Applications 37368, 37369 and 37371.

III.

By letter⁴ dated December 13, 1983, 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.

<u>BLM ENTRY NO.</u>	<u>NAME</u>	<u>LAND DESCRIPTION</u>
N-23321	Reeta Huyser	T.32N., R.60E., Sec. 26
N-23341	Marvin Huyser	T.32N., R.60E., Sec. 26
N-23344	Harold Huyser	T.32N., R.60E., Sec. 13, 14

IV.

The applicants under Applications 37368, 37369 and 37371 do not own or control the land described under the place of use of the applications.

CONCLUSIONS

I.

The State Engineer has jurisdiction⁵ over the matter described herein.

II.

Applications 37368, 37369 and 37371 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.

⁴ Public record in the office of the State Engineer under Applications 37368, 37369 and 37371.

RULING

Applications 37368, 37369 and 37371 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/BD/bl

Dated this 5th day of
MARCH, 1984.