

IN THE MATTER OF APPLICATIONS)
41967, 41968 AND 41969 FILED TO)
APPROPRIATE THE PUBLIC WATERS FROM)
AN UNDERGROUND SOURCE WITHIN THE)
WILLOW CREEK VALLEY GROUND WATER)
BASIN IN ELKO COUNTY, NEVADA.)

RULING

GENERAL

Application 41967¹ was filed on August 1, 1980, by David Lewis Chadwick to appropriate 6.0 c.f.s. of water from an underground source to irrigate 320 acres of land within the W1/2 Section 32, T.38N., R.46E., M.D.B.&M. The point of diversion is described as being within the NE1/4 SW1/4 Section 32, T.38N., R.46E., M.D.B.&M.

Application 41968¹ was filed on August 1, 1980, by Gae E. Leishman to appropriate 6.0 c.f.s. of water from an underground source to irrigate 320 acres of land within the E1/2 Section 31, T.38N., R.46E., M.D.B.&M. The point of diversion is described as being within the NE1/4 SE1/4 Section 31, T.38N., R.46E., M.D.B.&M.

Application 41969¹ was filed on August 1, 1980, by Edna Eames to appropriate 6.0 c.f.s. of water from an underground source to irrigate 320 acres of land within the E1/2 Section 32, T.38N., R.46E., M.D.B.&M. The point of diversion is described as being within the NE1/4 SE1/4 Section 32, T.38N., R.46E., M.D.B.&M.

FINDINGS

I.

Records and information² available to the State Engineer indicate that Applications 41967, 41968 and 41969 were filed in support of Desert Land Entry applications.

II.

By letter³ dated October 12, 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.

¹ Public record in the office of the State Engineer under applications to appropriate 41967, 41968 and 41969.

² Public records in the office of the State Engineer.

³ Public record in the office of the State Engineer under Applications 41967, 41968 and 41969.

<u>BLM ENTRY NO.</u>	<u>NAME</u>	<u>LAND DESCRIPTION</u>
N-30320	David Chadwick	T.38N., R.46E., Sec. 32
N-30322	Gae Leishman	T.38N., R.46E., Sec. 31
N-30328	Edna Eames	T.38N., R.46E., Sec. 32

III.

The applicants under Applications 41967, 41968 and 41969 do not own or control the land described under the place of use of the applications.

CONCLUSIONS

I.

The State Engineer has jurisdiction⁴ over the matter described herein.

II.

Applications 41967, 41968 and 41969 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 NRS Chapters 533 and 534.

RULING

Applications 41967, 41968 and 41969 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.