

IN THE MATTER OF APPLICATIONS 42716 )  
AND 42717 FILED TO APPROPRIATE THE )  
PUBLIC WATERS FROM AN UNDERGROUND )  
SOURCE WITHIN THE NORTH FORK AREA )  
GROUND WATER BASIN IN ELKO COUNTY, )  
NEVADA. )

RULING

GENERAL

Application 42716<sup>1</sup> was filed on October 28, 1980, by William and Patricia Johnson to appropriate 5.4 c.f.s. of water from an underground source to irrigate 320 acres of land within the N1/2 Section 14, T.36N., R.54E., M.D.B.&M. The point of diversion is described as being within the NE1/4 NE1/4 Section 14, T.36N., R.54E., M.D.B.&M.

Application 42717<sup>1</sup> was filed on October 28, 1980, by William and Patricia Johnson to appropriate 5.4 c.f.s. of water from an underground source to irrigate 320 acres of land within the S1/2 Section 14, T.36N., R.54E., M.D.B.&M. The point of diversion is described as being within the SE1/4 SE1/4 Section 14, T.36N., R.54E., M.D.B.&M.

FINDINGS

I.

North Fork Area Ground Water Basin was described and designated<sup>2</sup> by the State Engineer on May 28, 1980 as a ground water basin in need of additional administration under the provisions of NRS Chapter 534.

II.

Records and information<sup>3</sup> available to the State Engineer indicate that Applications 42716 and 42717 were filed in support of Desert Land Entry applications.

---

<sup>1</sup> Public record in the office of the State Engineer under applications to appropriate 42716 and 42717.

<sup>2</sup> Public record in the office of the State Engineer - State Engineer's Order No. 744.

<sup>3</sup> Public records in the office of the State Engineer.

III.

By letter<sup>4</sup> 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.

<u>BLM ENTRY NO.</u>	<u>NAME</u>	<u>LAND DESCRIPTION</u>
N-30603	William Johnson	T.36N., R.54E., Sec. 14
N-30604	Patricia Johnson	T.36N., R.54E., Sec. 14

IV.

The applicants under Applications 42716 and 42717 do not own or control the land described under the place of use of the applications.

CONCLUSIONS

I.

The State Engineer has jurisdiction<sup>5</sup> over the matter described herein.

II.

Applications 42716 and 42717 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.

---

<sup>4</sup> Public record in the office of the State Engineer under Applications 42716 and 42717.

<sup>5</sup> NRS Chapters 533 and 534.

RULING

Applications 42716 and 42717 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.