

IN THE MATTER OF APPLICATIONS )  
39724, 39727, 39728, 39729 AND )  
39730 FILED TO APPROPRIATE THE )  
PUBLIC WATERS FROM AN UNDERGROUND )  
SOURCE WITHIN THE ANTELOPE VALLEY )  
GROUND WATER BASIN IN ELKO COUNTY, )  
NEVADA. )

RULING

GENERAL

Application 39724<sup>1</sup> was filed on November 20, 1979, by Rosie Christiansen to appropriate 7.4 c.f.s. of water from an underground source to irrigate 320 acres of land within the E1/2 Section 18, T.29N., R.68E., M.D.B.&M. The point of diversion is described as being within the SW1/4 NE1/4 Section 18, T.29N., R.68E., M.D.B.&M.

Application 39727<sup>1</sup> was filed on November 20, 1979, by Frankie J. Christiansen to appropriate 7.4 c.f.s. of water from an underground source to irrigate 320 acres of land within the W1/2 Section 19, T.29N., R.68E., M.D.B.&M. The point of diversion is described as being within the NW1/4 SW1/4 Section 19, T.29N., R.68E., M.D.B.&M.

Application 39728<sup>1</sup> was filed on November 20, 1979, by Lewis D. Christiansen to appropriate 7.4 c.f.s. of water from an underground source to irrigate 320 acres of land within the E1/2 Section 19, T.29N., R.68E., M.D.B.&M. The point of diversion is described as being within the SW1/4 NE1/4 Section 19, T.29N., R.68E., M.D.B.&M.

Application 39729<sup>1</sup> was filed on November 20, 1979, by Wayne Christiansen to appropriate 7.4 c.f.s. of water from an underground source to irrigate 320 acres of land within the W1/2 Section 18, T.29N., R.68E., M.D.B.&M. The point of diversion is described as being within the NW1/4 SW1/4 Section 18, T.29N., R.68E., M.D.B.&M.

Application 39730<sup>1</sup> was filed on November 20, 1979, by James E. Christiansen to appropriate 7.4 c.f.s. of water from an underground source to irrigate 320 acres of land within the W1/2 Section 20, T.29N., R.68E., M.D.B.&M. The point of diversion is described as being within the SW1/4 NW1/4 Section 20, T.29N., R.68E., M.D.B.&M.

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<sup>1</sup> Public record in the office of the State Engineer under applications to appropriate 39724, 39727, 39728, 39729 and 39730.

FINDINGS

I.

Records and information<sup>2</sup> available to the State Engineer indicate that Applications 39724, 39727, 39728, 39729 and 39730 were filed in support of Desert Land Entry applications.

II.

By letter<sup>3</sup> dated October 15, 1981, 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-25794	James E. Christiansen	T.29N., R.68E., Sec. 20
N-25795	Wayne Christiansen	T.29N., R.68E., Sec. 18
N-25799	Lewis D. Christiansen	T.29N., R.68E., Sec. 19
N-25801	Frankie J. Christiansen	T.29N., R.68E., Sec. 19
N-25804	Rosie Christiansen	T.29N., R.68E., Sec. 18

III.

The applicants under Applications 39724, 39727, 39728, 39729 and 39730 do not own or control the land described under the place of use of the applications.

CONCLUSIONS

I.

The State Engineer has jurisdiction<sup>4</sup> over the matter described herein.

II.

Applications 39724, 39727, 39728, 39729 and 39730 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.

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<sup>2</sup> Public records in the office of the State Engineer.

<sup>3</sup> Public record in the office of the State Engineer under Applications 39724, 39727, 39728, 39729 and 39730.

<sup>4</sup> NRS Chapters 533 and 534.

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.

RULING

Applications 39724, 39727, 39728, 39729 and 39730 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 22nd day of  
MARCH, 1984.