

IN THE MATTER OF APPLICATIONS 37359 )  
AND 37360 FILED TO APPROPRIATE THE )  
PUBLIC WATERS FROM SHEEP CANYON AND )  
HOMESTEAD CANYON WITHIN DIAMOND )  
VALLEY, EUREKA COUNTY, NEVADA. )

RULING

GENERAL

Application 37359<sup>1</sup> was filed on March 30, 1979, by Jack Reviglio to appropriate 5.4 c.f.s. of water from Sheep Canyon to irrigate 320 acres of land within the E1/2 Section 4, T.22N., R.54E., M.D.B.&M. The point of diversion is described as being within the SE1/4 NE1/4 Section 14, T.22N., R.54E., M.D.B.&M.

Application 37360<sup>1</sup> was filed on March 30, 1979, by Tom Reviglio to appropriate 5.4 c.f.s. of water from Homestead Canyon to irrigate 320 acres of land within the S1/2 Section 33, T.23N., R.54E., M.D.B.&M. The point of diversion is described as being within the SW1/4 NE1/4 Section 11, T.22N., R.54E., M.D.B.&M.

FINDINGS

I.

Records and information<sup>2</sup> available to the State Engineer indicate that Applications 37359 and 37360 were filed in support of Desert Land Entry applications.

II.

By letter<sup>3</sup> dated April 2, 1984, the United States Department of Interior, Bureau of Land Management, notified the State Engineer that neither Jack nor Tom Reviglio have an active Desert Land Entry application on file on either of the above described lands or any other parcel.

III.

The applicants under Applications 37359 and 37360 do not own or control the land described under the place of use of the applications.

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<sup>1</sup> Public record in the office of the State Engineer under applications to appropriate 37359 and 37360.

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

<sup>4</sup> Public record in the office of the State Engineer under Applications 37359 and 37360.

CONCLUSIONS

I.

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

II.

Applications 37359 and 37360 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.

RULING

Applications 37359 and 37360 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 6th day of  
APRIL, 1984.

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