

IN THE MATTER OF APPLICATIONS 38048)
AND 38056 FILED TO APPROPRIATE THE)
PUBLIC WATERS FROM AN UNDERGROUND)
SOURCE WITHIN THE GREAT SALT LAKE)
DESERT GROUND WATER BASIN IN ELKO)
COUNTY, NEVADA.)
)
)
)

RULING

GENERAL

Application 38048¹ was filed on April 30, 1980, by Galen Ross to appropriate 5.4 c.f.s. of water from an underground source to irrigate 320 acres of land within the W1/2 Section 36, T.33N., R.69E., M.D.B.&M. The point of diversion is described as being within the NE1/4 SW1/4 Section 36, T.33N., R.69E., M.D.B.&M.

Application 38056¹ was filed on April 30, 1980, by Marva Wimmer to appropriate 5.4 c.f.s. of water from an underground source to irrigate 320 acres of land within the E1/2 SW1/4, SE1/4 Section 26 and W1/2 SW1/4 Section 25, T.33N., R.69E., M.D.B.&M. The point of diversion is described as being within the SE1/4 SE1/4 Section 26, T.33N., R.69E., M.D.B.&M.

FINDINGS

I.

A timely protest² to granting of Applications 38048 and 38056 was filed by the Bureau of Land Management.

II.

Records and information³ available to the State Engineer indicate that Applications 38048 and 38056 were filed in support of Desert Land Entry applications.

¹ Public record in the office of the State Engineer under applications to appropriate 38048 and 38056.

² Public record in the office of the State Engineer under applications to appropriate 38048 and 38056.

³ Public records in the office of the State Engineer.

III.

By letter⁴ dated April 2, 1984, 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-24262	Glen Ross	T.33N., R.69E., W1/2 Section 36
N-24423	Marva Wimmer	T.33N., R.69E., E1/2 SW1/4, SE1/4 Sec. 36, W1/2 SW1/4 Sec. 25

IV.

The applicants under Applications 38048 and 38056 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 38048 and 38056 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 38048 and 38056.

⁵ NRS Chapters 533 and 534.

RULING

Applications 38048 and 38056 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.