

IN THE MATTER OF APPLICATIONS 44409)
AND 44410 FILED TO APPROPRIATE THE)
PUBLIC WATERS FROM WILLOW CREEK AND)
AN UNNAMED SPRING WITHIN THE DIXIE)
VALLEY WATER BASIN IN CHURCHILL)
COUNTY, NEVADA.)

RULING

GENERAL

Application 44409¹ was filed on September 8, 1981, by Waymen Rosenlund to appropriate 6.0 c.f.s. of water from Willow Creek to irrigate 320 acres of land within the E1/2 E1/2 NE1/4 Section 4, W1/2 W1/2 NW1/4, NE1/4 NW1/4 NW1/4 Section 3, all in T.21N., R.37E., M.D.B.&M.; S1/2 SW1/4 SW1/4 Section 34; SW1/4 NW1/4, NW1/4 SE1/4, SE1/4 SE1/4, SW1/4 NE1/4 SE1/4, SW1/4 SW1/4 NE1/4, N1/2 NE1/4 SW1/4, SW1/4 NW1/4 NW1/4, S1/2 SE1/4 NW1/4 Section 33; N1/2 SE1/4 NE1/4 Section 32, all in T.22N., R.37E., M.D.B.&M. The point of diversion is described as being within the SE1/4 NE1/4 Section 4, T.21N., R.37E., M.D.B.&M.

Application 44410¹ was filed on September 8, 1981, by Judy Rosenlund to appropriate 4.0 c.f.s. of water from an Unnamed Spring to irrigate 210 acres of land within the NE1/4 NE1/4, N1/2 NW1/4, NE1/4, Section 32; NE1/4 SW1/4, SW1/4 SE1/4, SW1/4 SE1/4 SE1/4, N1/2 SE1/4 SW1/4, E1/2 NW1/4 SW1/4, S1/2 NW1/4 SE1/4, W1/2 NW1/4 NW1/4 SE1/4, Section 29; W1/2 W1/2 NW1/4 NW1/4 Section 33, all in T.22N., R.37E., M.D.B.&M. The point of diversion is described as being within the NE1/4 NE1/4 Section 32, T.22N., R.37E., M.D.B.&M.

FINDINGS

I.

Records and information² available to the State Engineer indicate that Applications 44409 and 44410 were filed in support of Desert Land Entry applications.

II.

By letter³ dated September 9, 1982, 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 44409 and 44410.

² Public records in the office of the State Engineer.

³ Public record in the office of the State Engineer under Applications to appropriate 44409 and 44410.

<u>BLM ENTRY NO.</u>	<u>NAME</u>	<u>LAND DESCRIPTION</u>
N-35442	Judy Rosenlund	T.22N., R.37E., Sec. 29
N-35443	Waymen Rosenlund	T.21N., R.37E., Sec. 3

III.

By letter⁴ dated June 19, 1984, the United States Department of Interior, Bureau of Land Management, notified the State Engineer that neither Judy or Waymen Rosenlund have an active Desert Land Entry application on file on either of the above described lands.

IV.

The applicants under Applications 44409 and 44410 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 44409 and 44410 were filed in support of Desert Land Entries. The Desert Land Entry applications described under II 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 to appropriate 44409 and 44410.

⁵ NRS Chapters 533 and 534.

RULING

Applications 44409 and 44410 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 20th day of

JULY, 1984.