

IN THE MATTER OF APPLICATIONS 37727 )  
AND 41104 FILED TO APPROPRIATE THE )  
PUBLIC WATERS FROM AN UNDERGROUND )  
SOURCE WITHIN THE INDEPENDENCE )  
VALLEY GROUND WATER BASIN IN ELKO )  
COUNTY, NEVADA. )

RULING

GENERAL

Application 37727 was filed on April 6, 1979, by Ann S. and B. Ernest Egan to appropriate 8.0 c.f.s. of water from an underground source to irrigate 640 acres of land within all of Section 20, T.37N., R.64E., M.D.B.&M. The point of diversion is described as being within the NW1/4 NW1/4 Section 20, T.37N., R.64E., M.D.B.&M.<sup>1</sup>

Application 41104 was filed on April 16, 1980, by Cora D. Slattery to appropriate 3.0 c.f.s. of water from an underground source to irrigate 320 acres of land within the SE1/4 NW1/4, NE1/4 SW1/4, E1/2 NE1/4 and SE1/4 Section 8, T.37N., R.64E., M.D.B.&M. The point of diversion is described as being within the SW1/4 NE1/4 Section 8, T.37N., R.64E., M.D.B.&M.<sup>1</sup>

FINDINGS

I.

A timely protest was filed to the granting of Applications 37727 and 41104 by Robert J. Beaumont on February 25, 1980, and August 5, 1980, respectively.<sup>2</sup> The grounds of the protest are as follows:

"To grant this application which proposes to utilize large drafts from underground water sources would create an over appropriated ground water system and seriously endanger existing water rights. Under the Desert Land Entry Act the water will be used for crops (other than hay) and the evaporation rate will be high, with little return flow to the ground water system."

II.

Records and information available to the State Engineer indicate that Applications 37727 and 41104 were filed in support of Desert Land Entry applications.<sup>3</sup>

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<sup>1</sup> Public record in the office of the State Engineer under applications to appropriate 37727 and 41104.

<sup>2</sup> Public record in the office of the State Engineer under applications to appropriate 37727 and 41104.

III.

By letter dated July 24, 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.<sup>4</sup>

<u>NAME</u>	<u>LEGAL DESCRIPTION</u>	<u>DATE REJECTED</u>
Ann S. Egan	T.37N., R.64E., Sec. 20, S1/2	4/30/1981
B. Earnest Egan	T.37N., R.64E., Sec. 20, N1/2	12/1/1980
Cora D. Slattery	T.37N., R.64E., Sec. 8, S1/2 NE1/4, E1/2 SW1/4, SE1/4	4/30/1981

IV.

The applicants under Applications 37727 and 41104 do not own or control the land described under the place of use of the applications.

CONCLUSIONS

I.

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

II.

Applications 37727 and 41104 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>3</sup> Public record in the office of the State Engineer under applications to appropriate 37727 and 41104.

<sup>4</sup> Public record in the office of the State Engineer under applications to appropriate 37727 and 41104.

<sup>5</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 37727 and 41104 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 15th day of  
AUGUST, 1984.