

IN THE OFFICE OF THE STATE ENGINEER

IN THE MATTER OF APPLICATION 39855 )  
FILED TO APPROPRIATE THE PUBLIC )  
WATERS FROM AN UNDERGROUND SOURCE )  
WITHIN THE MERCURY VALLEY GROUND )  
WATER BASIN IN NYE COUNTY, NEVADA. )

RULING

GENERAL

Application 39855 was filed on November 30, 1979, by Michael R. Sipl to appropriate 5.0 c.f.s. of water from an underground source to irrigate 150 acres of land within the NW1/4 Section 2, T.16S., R.53E., M.D.B.&M. The point of diversion is described as being within the SW1/4 NW1/4 Section 2, T.16S., R.53E., M.D.B.&M.<sup>1</sup>

FINDINGS

I.

Records and information available to the State Engineer indicate that Application 39855 was filed in support of a Desert Land Entry application.<sup>2</sup>

II.

By letter dated March 15, 1985, the United States Department of Interior, Bureau of Land Management, notified the State Engineer that no Desert Land Entry Application had been filed on the land under Application 39855.<sup>3</sup>

III.

The applicant under Application 39855 does not own or control the land described under the place of use of the application.

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<sup>1</sup> Public record in the office of the State Engineer under application to appropriate 39855.

<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 Application 39855.

CONCLUSIONS

I.

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

II.

Application 39855 was filed in support of a Desert Land Entry. No Desert Land Entry application has been filed on the records of the Bureau of Land Management, therefore, the applicant does not own or control the land described under the place of use of the application and cannot demonstrate the ability to place the water to beneficial use.

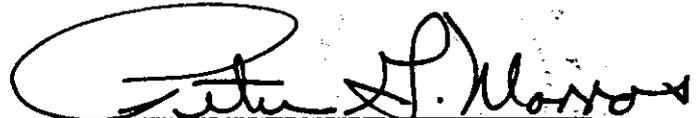
III.

To grant an application 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

Application 39855 is herewith denied on the grounds that to grant the application 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/SW/bl

Dated this 19th day of  
July, 1985.

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