

IN THE OFFICE OF THE STATE ENGINEER

IN THE MATTER OF APPLICATIONS 45050)
AND 45051 FILED TO APPROPRIATE THE)
PUBLIC WATERS FROM AN UNDERGROUND)
SOURCE WITHIN THE INDEPENDENCE)
VALLEY GROUND WATER BASIN IN ELKO)
COUNTY, NEVADA. .)

RULING

GENERAL

Application 45050 was filed on November 12, 1981, by Bobby Jack Miller to appropriate 5.4 c.f.s. of water from an underground source to irrigate 320 acres of land within the N1/2 Section 14, T.36N., R.64E., M.D.B.&M. The point of diversion is described as being within the NE1/4 NW1/4 Section 14, T.36N., R.64E., M.D.B.&M.¹

Application 45051 was filed on November 12, 1981, by Elizabeth Jo Steever to appropriate 5.4 c.f.s. of water from an underground source to irrigate 160 acres of land within the SW1/4 Section 14, T.36N., R.64E., M.D.B.&M. The point of diversion is described as being within the SW1/4 SW1/4 Section 14, T.36N., R.64E., M.D.B.&M.¹

FINDINGS

I.

A timely protest was filed by David Eddy on July 21, 1982, to the granting of Applications 45050 and 45051. The grounds of the protest are as follows:¹

"This application appears to be for a Desert Land Entry filing. The water would thus be used for high evaporation rate crops, and there will be little return flow to the ground water system. To grant this application which proposes to utilize large drafts from the ground water system may seriously endanger the existing surface water rights at Warm Springs directly below it. The Warm Springs water right is filed under proof 01511 with a date of priority of 1897.

II.

Records and information available to the State Engineer indicate that Applications 45050 and 45051 were filed in support of Desert Land Entry applications.²

¹ Public record in the office of the State Engineer under applications to appropriate 45050 and 45051.

² Public records in the office of the State Engineer.

III.

By letter dated April 15, 1985, 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.³

<u>BLM ENTRY NO.</u>	<u>NAME</u>	<u>LAND DESCRIPTION</u>
N-22801	Elizabeth J. Steever	T.36N., R.64E., Sec. 14
N-22802	Bobby J. Miller	T.36N., R.64E., Sec. 14

IV.

The applicants under Applications 45050 and 45051 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.⁴

II.

Applications 45050 and 45051 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.

³ Public record in the office of the State Engineer under Applications 45050 and 45051.

⁴ NRS Chapters 533 and 534.

RULING

Applications 45050 and 45051 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,

A handwritten signature in black ink, appearing to read "Peter G. Morros", written over a horizontal line.

Peter G. Morros
State Engineer

PGM/SW/bl

Dated this 19th day of
July, 1985.