

IN THE OFFICE OF THE STATE ENGINEER

IN THE MATTER OF APPLICATIONS 43034)
AND 43035 FILED TO APPROPRIATE THE)
PUBLIC WATERS FROM AN UNDERGROUND)
SOURCE WITHIN THE SPRING VALLEY)
GROUND WATER BASIN IN WHITE PINE)
COUNTY, NEVADA.)

RULING

GENERAL

Application 43034 was filed on January 2, 1981, by Mary Janet Martineau to appropriate 5.4 c.f.s. of water from an underground source to irrigate 320 acres of land within the SE1/4 Section 33 and SW1/4 Section 34, T.14N., R.67E., M.D.B.&M. The point of diversion is described as being within the SW1/4 SW1/4 Section 34, T.14N., R.67E., M.D.B.&M.¹

Application 43035 was filed on January 2, 1981, by Mary Janet Martineau to appropriate 5.4 c.f.s. of water from an underground source to irrigate 320 acres of land within the SE1/4 Section 33 and SW1/4 Section 34, T.14N., R.67E., M.D.B.&M. The point of diversion is described as being within the SW1/4 SE1/4 Section 33, T.14N., R.67E., M.D.B.&M.¹

FINDINGS

I.

Records and information available to the State Engineer indicate that Applications 43034 and 43035 were filed in support of Desert Land Entry applications.¹

II.

By letter dated June 15, 1987, the United States Department of Interior, Bureau of Land Management, notified the State Engineer that the following Desert Land Entry Application had been closed and the case file is dead.¹

<u>BLM ENTRY NO.</u>	<u>NAME</u>	<u>LAND DESCRIPTION</u>
N-32915	Mary J. Martineau	T.14N., R.67E., Sec's. 33, 34

III.

The applicant under Applications 43034 and 43035 does not own or control the land described under the place of use of the applications.

¹ Public records in the office of the State Engineer.

CONCLUSIONS

I.

The State Engineer has jurisdiction over the matter described herein.²

II.

Applications 43034 and 43035 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 applicant does 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.

RULING

Applications 43034 and 43035 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/SW/bl

Dated this 28th day of
October, 1987.

² NRS Chapters 533 and 534.