

IN THE OFFICE OF THE STATE ENGINEER

IN THE MATTER OF APPLICATIONS 46769 and)  
46772 FILED TO APPROPRIATE THE PUBLIC)  
WATERS OF AN UNDERGROUND SOURCE)  
WITHIN THE BIG SMOKY VALLEY)  
(NORTHERN PART) GROUND WATER BASIN)  
IN NYE COUNTY, NEVADA. )

RULING

GENERAL

Application 46769<sup>1</sup> was filed on March 29, 1983, by Teresa R. Dunbar to appropriate 6 c.f.s. of water from an underground source to irrigate 320 acres of land within the E1/2 of Section 9, T.14N., R.44E., M.D.B.&M. The point of diversion is described as being within the NE1/4 NE1/4 Section 9, T.14N., R.44E., M.D.B.&M.

Application 46772<sup>1</sup> was filed on March 29, 1983, by Cornelius K. Dunbar to appropriate 6 c.f.s. of water from an underground source to irrigate 320 acres of land within the W1/2 of Section 9, T.14N., R.44E., M.D.B.&M. The point of diversion is described as being within the NE1/4 NW1/4 Section 9, T.14N., R.44E., M.D.B.&M.

FINDINGS OF FACT

I.

Records and information available to the State Engineer indicate that Applications 46769 and 46772 were filed in support of Desert Land Entry applications.

II.

By letter<sup>1</sup> dated April 20, 1988, the United States Department of Interior, Bureau of Land Management, notified the State Engineer that the following Desert Land Entry applications have been closed and the case files are dead.

BLM ENTRY NO. NAME LAND DESCRIPTION

N-37882	Teresa Dunbar	T.14N., R.44E., Section 9
N-37883	Cornelius K. Dunbar	T.14N., R.44E., Section 9

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<sup>1</sup> Public records in the office of the State Engineer.

III.

The applicants under Applications 46769 and 46772 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>2</sup>

II.

Applications 46769 and 46772 were filed in support of Desert Land Entries. The Desert Land Entry applications described under II of Findings of Fact 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 water 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.

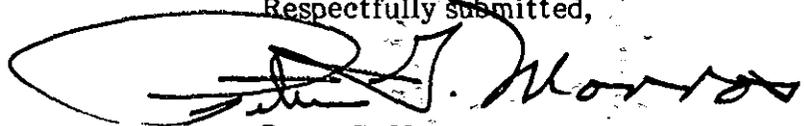
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<sup>2</sup> NRS Chapters 533 and 534.

RULING

Applications 46769 and 46722 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", is written over a large, faint oval stamp. The signature is fluid and cursive.

Peter G. Morros  
State Engineer

Dated this 27th day of  
May, 1988.

III.

The State Engineer concludes from the evidence and information available, the proposed source of water is fully appropriated.

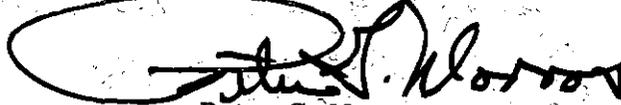
IV.

Approval of Application 50565 would interfere with and impair existing rights and therefore would not be in the public interest.

RULING

Application 50565 is hereby denied on the grounds that granting thereof would interfere with and impair existing rights and would therefore be detrimental to the public interest. No ruling is made on the grounds of the protest.

Respectfully submitted,



Peter G. Morros  
State Engineer

PGM/GC/bk

Dated this 14th day of

June, 1988.