

IN THE OFFICE OF THE STATE ENGINEER

IN THE MATTER OF APPLICATIONS 40366)
AND 40367 FILED TO APPROPRIATE THE)
PUBLIC WATERS FROM AN UNDERGROUND)
SOURCE WITHIN THE GREAT SALT LAKE)
DESERT GROUNDWATER BASIN IN ELKO)
COUNTY, NEVADA.)

RULING

GENERAL

Application 40366¹ was filed on January 23, 1980, by Gary C. Thompson to appropriate 7.4 c.f.s. of water from an underground source to irrigate 320 acres of land within the W1/2 Section 11, T.32N., R.69E., M.D.B.&M. The point of diversion is described as being within the SW1/4 NW1/4 Section 11, T.32N., R.69E., M.D.B.&M.

Application 40367¹ was filed on January 23, 1980, by Melvin H. Kingsbury to appropriate 7.4 c.f.s. of water from an underground source to irrigate 320 acres of land within the W1/2 Section 2, T.32N., R.69E., M.D.B.&M. The point of diversion is described as being within the SW1/4 NW1/4 Section 2, T.32N., R.69E., M.D.B.&M.

FINDINGS

I.

Records and information available to the State Engineer indicate that Applications 40366 and 40367 were filed in support of Desert Land Entry Applications.¹

II.

By letter dated September 30, 1988, 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.¹

¹ Public records in the office of the State Engineer.

<u>BLM ENTRY NO.</u>	<u>NAME</u>	<u>LAND DESCRIPTION</u>
N-27353	Melvin H. Kingsbury	T.32N., R.69E., Sec. 2
N-27354	Gary C. Thompson	T.32N., R.69E., Sec. 11

III.

The applicants under Applications 40366 and 40367 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.²

II.

Applications 40366 and 40367 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 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.

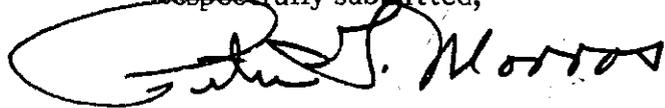
To grant applications to appropriate the public water for irrigation on lands the applicant does not own or control or where the applicant cannot demonstrate the ability to place the water to beneficial use, would not be in the public interest and welfare.

² NRS Chapters 533 and 534.

RULING

Applications 40366 and 40367 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/bk

DATED this 4th day of
January, 1989.