

IN THE OFFICE OF THE STATE ENGINEER
IN THE STATE OF NEVADA

IN THE MATTER OF APPLICATION 37183)
FILED TO APPROPRIATE THE PUBLIC)
WATERS OF AN UNDERGROUND SOURCE)
WITHIN THE RUBY VALLEY GROUNDWATER)
BASIN, ELKO COUNTY, NEVADA.)

RULING
3811

GENERAL

I.

Application 37183 was filed on March 26, 1979, by Blaine Sharp to appropriate 6.0 c.f.s. of water from an underground source for irrigation and domestic purposes on 320 acres within the SW1/4 NW1/4, NW1/4 SW1/4 Section 14; SE1/4 NW1/4, S1/2 NE1/4, NE1/4 SW1/4, N1/2 SE1/4 Section 15, T.32N., R.60 E., M.D.B.&M. The point of diversion was described as being within SW1/4 NE1/4 Section 15, T.32N., R.60E.¹

FINDINGS OF FACT

I.

Records and information available to the State Engineer indicate that Application 37183 was filed in support of a Desert Land Entry.¹

II.

By letter received November 13, 1990, the United States Department of the Interior, Bureau of Land Management, notified the State Engineer that the following Desert Land Entry Application had been granted.²

<u>BLM ENTRY NO.</u>	<u>NAME</u>	<u>LAND DESCRIPTION</u>
N-23318	James A. Lind	T.32N., R.60E., Sec. 14, SW1/4 NW1/4, NW1/4 SW1/4; Sec. 15, S1/2 NE1/4, SE1/4 NW1/4, NE1/4 SW1/4, N1/2 SE1/4.

1 Public record in the office of the State Engineer.

2 U.S. Department of the Interior Transmittal.

III.

The place of use land description requested by Blaine Sharp in Application 37183 was:

T.32N., R.60E.
Section 14,
SW1/4 NW1/4, NW1/4 SW1/4;
Section 15,
S1/2 NE1/4, SE1/4 NW1/4,
NE1/4 SW1/4, N1/2 SE1/4.

IV.

The applicant under Application 37183 does not own or control the land described under the place of use of the application.

CONCLUSION

I.

The State Engineer has jurisdiction over the matter described herein.³

II.

Application 37183 was filed in support of a Desert Land Entry. Records of the Bureau of Land Management show that a Desert Land Entry was granted to James A. Lind for the same location as the place of use under Application 37183. The applicant cannot demonstrate the ability to put the water to beneficial use.

III.

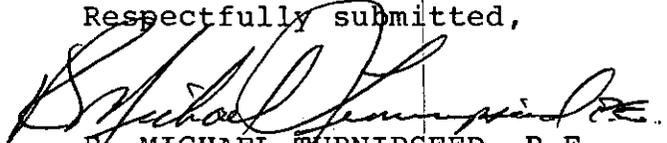
To grant an application to appropriate the public water for irrigation on lands the applicant does not own or control or where the applicant cannot demonstrate the ability to place the water to beneficial use, would not be in the public interest and welfare.

³ NRS Chapters 533 and 534.

RULING

Application 37183 is hereby denied on the grounds that to grant an 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.

Respectfully submitted,



R. MICHAEL TURNIPSEED, P.E.
State Engineer

RMT/DJL/pm

Date this 21st day of
June, 1991.