

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

IN THE MATTER OF APPLICATION 45589)
FILED TO APPROPRIATE THE PUBLIC)
WATERS FROM AN UNDERGROUND SOURCE)
WITHIN THE DELAMAR VALLEY)
GROUNDWATER BASIN IN LINCOLN)
COUNTY, NEVADA.)

RULING

3899

GENERAL

Application 45589¹ was filed on April 26, 1982 by Meadow Valley Land & Cattle Company to appropriate 5.0 c.f.s. of water from an underground source for irrigation purposes on 320 acres of land within the N $\frac{1}{2}$ of Section 12, T.6S., R.63E., M.D.B.&M. The point of diversion is described as being within the SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 12, T.6S., R.63E., M.D.B.&M.

FINDINGS

I.

Records and information available to the State Engineer indicate that Application 45589 was filed in support of a Desert Land Entry Application.¹

II.

By letter dated December 4, 1991, the United States Department of Interior, Bureau of Land Management, notified the State Engineer that there is no record of a Desert Land Entry Application that corresponds to water right application 45589.¹

III.

The applicant under Application 45589 does not own or control the land described under the place of use of the application.

¹ Public record in the office of the State Engineer filed under Application 45589.

CONCLUSIONS

I.

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

II.

The State Engineer is prohibited by law from granting a permit under an application to appropriate the public waters where:³

- A. This is no unappropriated water at the proposed source, or
- B. The proposed use or change conflicts with existing rights, or
- C. The proposed use threatens to prove detrimental to the public interest.

II.

Application 45589 was filed in support of a Desert Land Entry. The United States Department of Interior, Bureau of Land Management, has no record of a Desert Land Entry Application that corresponds to the above referenced water right application, therefore, the applicant does not own or control the land described under the place of use of the application and cannot demonstrate the ability to place 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.

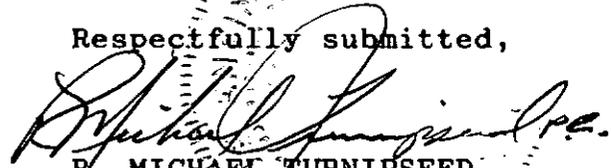
² NRS Chapters 533 and 534.

³ NRS Chapter 533.370.

RULING

Application 45589 is herewith 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 and welfare.

Respectfully submitted,


B. MICHAEL TURNIPSEED
State Engineer

RMT/MJR/bk

Dated this 31st day of
July, 1992.