

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

IN THE MATTER OF APPLICATIONS 39976 AND)
39978 FILED TO APPROPRIATE THE PUBLIC)
WATERS OF AN UNDERGROUND SOURCE WITHIN)
THE MONITOR VALLEY GROUNDWATER BASIN)
(SOUTHERN PART) (140B), NYE COUNTY, NEVADA.)

RULING

4510

GENERAL

I.

Application 39976 was filed on December 14, 1979, by I. Regina Adams to appropriate 7.4 cubic feet per second (cfs) of water from the Monitor Valley Groundwater Basin for irrigation purposes within the W $\frac{1}{2}$ of Section 11, T.9N., R.46E., M.D.B.&M. The point of diversion is described as being located within the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of said Section 11. Application 39976 became ready for action by the State Engineer on October 4, 1980.¹

II.

Application 39978 was filed on December 14, 1979, by Peggy Karlene Grover to appropriate 7.4 cfs of water from the Monitor Valley Groundwater Basin for irrigation purposes within the E $\frac{1}{2}$ of Section 2, T.9N., R.46E., M.D.B.&M. The point of diversion is described as being located within the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 2. Application 39978 became ready for action by the State Engineer on October 4, 1980.²

FINDINGS OF FACT

I.

Records and information available to the State Engineer indicate that Applications 39976 and 39978 were filed in support of Desert Land Entry Applications. By letter dated February 5, 1996, the United States Department of the Interior, Bureau of Land

¹File No. 39976, official records in the Office of the State Engineer.

²File No. 39978, official records in the Office of the State Engineer.

Management, notified the State Engineer that the status of the applications filed under the Desert Land Act on the place of use identified under the water right applications is "closed". The State Engineer finds that the applicants are unable to place the water applied for to the intended beneficial use as proposed in Applications 39976 and 39978 as they do not own or control the land described under the place of use in the applications.^{1,2}

CONCLUSIONS

I.

The State Engineer has jurisdiction over the parties and of the subject matter of this action and determination.³

II.

The State Engineer is prohibited by law from granting a permit under an application to appropriate the public waters where:⁴

1. there is no unappropriated water at the proposed source, or
2. the proposed use conflicts with existing rights, or
3. the proposed use threatens to prove detrimental to the public welfare.

III.

The applicants do not own or control the land identified as the place of use under Applications 39976 and 39978. The State Engineer concludes that to grant an application to appropriate public water for irrigation on lands the applicants do not own or control or where the applicants cannot demonstrate the ability to place the water to beneficial use would not be in the public interest.

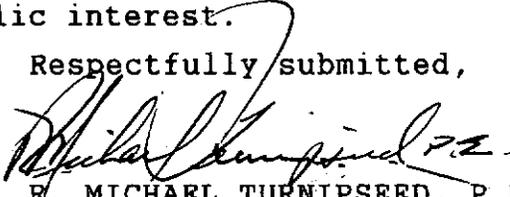
³NRS Chapters 533 and 534.

⁴NRS 533.370(3).

RULING

Applications 39976 and 39978 are hereby denied on the grounds that to grant applications for irrigation purposes on lands that the applicants do not own or control and cannot demonstrate the ability to place the water to beneficial use, would threaten to prove detrimental to the public interest.

Respectfully submitted,


R. MICHAEL TURNIPSEED, P.E.
State Engineer

RMT/BEM/ab

Dated this 6th day of
March, 1997.