

IN THE MATTER OF APPLICATIONS 44160)
AND 44161 FILED TO APPROPRIATE THE)
PUBLIC WATERS FROM ROCK SPRINGS)
CREEK WITHIN THE LOWER MEADOW)
VALLEY WASH WATER BASIN IN LINCOLN)
COUNTY, NEVADA.)

RULING

GENERAL

Application 44160¹ was filed on July 15, 1981, by Joe C. Ballow to appropriate 0.25 c.f.s. of water from Rock Springs Creek to irrigate 220 acres of land within portions of Sections 26, 27 and 35, T.5S., R.66E., M.D.B.&M. The point of diversion is described as being within the SE1/4 SE1/4 Section 29, T.5S., R.66E., M.D.B.&M.

Application 44161¹ was filed on July 15, 1981, by Joe C. Ballow to appropriate 0.25 c.f.s. of water from Rock Springs Creek to irrigate 220 acres of land within portions of Sections 26, 27 and 35, T.5S., R.66E., M.D.B.&M. The point of diversion is described as being within the NW1/4 NE1/4 Section 32, T.5S., R.66E., M.D.B.&M.

FINDINGS

I.

Records and information² available to the State Engineer indicate that Applications 44160 and 44161 were filed in support of Desert Land Entry applications.

II.

By letter³ dated September 9, 1983, 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.

<u>BLM ENTRY NO.</u>	<u>NAME</u>	<u>LAND DESCRIPTION</u>
N-34049	Joe C. Ballow	T.5S., R.66E., Sec. 26, 27 and 35

¹ Public record in the office of the State Engineer under applications to appropriate 44160 and 44161.

² Public records in the office of the State Engineer.

³ Public record in the office of the State Engineer under Applications 44160 and 44161.

III.

The applicants under Applications 44160 and 44161 do not own or control the land described under the place of use of the applications.

CONCLUSIONS

I.

The State Engineer has jurisdiction⁴ over the matter described herein.

II.

Applications 44160 and 44161 were filed in support of Desert Land Entries. The Desert Land Entry applications described under III 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 waters 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.

RULING

Applications 44160 and 44161 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/BD/bl

Dated this 22nd day of
MARCH, 1984.

⁴ NRS Chapters 533 and 534.