

IN THE MATTER OF APPLICATION 39410)
FILED TO APPROPRIATE THE PUBLIC)
WATERS FROM AN UNDERGROUND SOURCE)
WITHIN THE FORTY MILE CANYON GROUND)
WATER BASIN IN NYE COUNTY, NEVADA.)

RULING

GENERAL

Application 39410¹ was filed on October 29, 1979, by Lou R. Penrod to appropriate 5.7 c.f.s. of water from an underground source to irrigate 320 acres of land within the S1/2 Section 12, T.15S., R.49E., M.D.B.&M. The point of diversion is described as being within the NE1/4 SE1/4 Section 12, T.15S., R.49E., M.D.B.&M.

FINDINGS

I.

Records and information² available to the State Engineer indicate that Application 39410 was filed in support of Desert Land Entry application.

II.

By letter³ dated July 6, 1983, the United States Department of Interior, Bureau of Land Management, notified the State Engineer that the following Desert Land Entry Application had been closed and the case file is dead.

<u>BLM ENTRY NO.</u>	<u>NAME</u>	<u>LAND DESCRIPTION</u>
N-27096	Lou R. Penrod	T.15S., R.49E., Sec. 12

III.

The applicant under Application 39410 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 under application to appropriate 39410.

² Public records in the office of the State Engineer.

³ Public record in the office of the State Engineer under Application 39410.

CONCLUSIONS

I.

The State Engineer has jurisdiction⁴ over the matter described herein.

II.

Application 39410 was filed in support of Desert Land Entry. The Desert Land Entry application described under III of Findings has been closed on the records of the Bureau of Land Management, 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 application 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

Application 39410 is herewith denied on the grounds that to grant the 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,



Peter G. Morros
State Engineer

PGM/BD/bl

Dated this 22nd day of
MARCH, 1984.

⁴ NRS Chapters 533 and 534.