

IN THE MATTER OF APPLICATION 39385)
FILED TO APPROPRIATE THE PUBLIC)
WATERS FROM AN UNDERGROUND SOURCE)
WITHIN THE AMARGOSA DESERT GROUND)
WATER BASIN IN NYE COUNTY, NEVADA.)

RULING

GENERAL

Application 39385¹ was filed on October 24, 1979, by Glen Myers to appropriate 5.4 c.f.s. of water from an underground source to irrigate 214.43 acres of land within the N1/2 Section 7, T.15S., R.49E., M.D.B.&M. The point of diversion is described as being within Lot 1, Section 7, T.15S., R.49E., M.D.B.&M.

FINDINGS

I.

Amargosa Desert Ground Water Basin was described and designated² by the State Engineer on May 14, 1979, as a ground water basin in need of additional administration under the provisions of NRS Chapter 534.

II.

Records and information³ available to the State Engineer indicate that Application 39385 was filed in support of Desert Land Entry application.

III.

By letter⁴ dated July 12, 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-26963	Glen Myers	T.15S., R.49E., Sec. 7

¹ Public record in the office of the State Engineer under application to appropriate 39385.

² Public record in the office of the State Engineer - State Engineer's Order No. 724.

³ Public records in the office of the State Engineer.

⁴ Public record in the office of the State Engineer under Application 39385.

IV.

The applicant under Application 39385 does not own or control the land described under the place of use of the application.

V.

Application 39385 seeks to appropriate water within the Amargosa Desert Ground Water Basin in support of a Desert Land Entry application. The State Engineer has denied applications to appropriate ground water within the basin in the past which have been filed in support of Desert Land Entry applications for irrigation purposes.³

CONCLUSIONS

I.

The State Engineer has jurisdiction⁵ over the matter described herein.

II.

Application 39385 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.

IV.

The State Engineer has denied applications to appropriate for irrigation purposes filed in support of Desert Land Entry applications within the Amargosa Desert Ground Water Basin in the past.³

⁵ NRS Chapters 533 and 534.

RULING

Application 39385 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. Additionally, to grant the application for irrigation purposes in support of a Desert Land Entry application, would adversely effect and impair existing rights.

Respectfully submitted,



Peter G. Morros
State Engineer

PGM/BD/bl

Dated this 10th day of

APRIL, 1984.