

IN THE MATTER OF APPLICATION 39465)
FILED TO APPROPRIATE THE PUBLIC)
WATERS FROM AN UNDERGROUND SOURCE)
WITHIN THE PILOT CREEK VALLEY)
GROUND WATER BASIN IN ELKO COUNTY,)
NEVADA.)

RULING

GENERAL

Application 39465¹ was filed on November 1, 1979, by LeGrand Winegar to appropriate 7.4 c.f.s. of water from an underground source to irrigate 320 acres of land within the E1/2 Section 16, T.35N., R.69E., M.D.B.&M. The point of diversion is described as being within the NE1/4 SE1/4 Section 16, T.35N., R.69E., M.D.B.&M.

FINDINGS

I.

Records and information² available to the State Engineer indicate that Application 39465 was filed in support of Desert Land Entry application.

II.

By letter³ dated March 29, 1984 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-26802	LeGrand Winegar	T.35N., R.69E., Sec. 16

III.

The applicant under Application 39465 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 39465.

² Public records in the office of the State Engineer.

³ Public record in the office of the State Engineer under Application 39465.

CONCLUSIONS

I.

The State Engineer has jurisdiction⁴ over the matter described herein.

II.

Application 39465 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 39465 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 12th day of
APRIL, 1984.

⁴ NRS Chapters 533 and 534.