

IN THE MATTER OF APPLICATIONS)
42254, 42255, 42256 AND 42257 FILED)
TO APPROPRIATE THE PUBLIC WATERS)
FROM AN UNDERGROUND SOURCE WITHIN)
THE SPRING VALLEY GROUND WATER)
BASIN IN WHITE PINE COUNTY, NEVADA.)

RULING 2961

GENERAL

Application 42254¹ was filed on August 28, 1980, by Mary Canul to appropriate 5.4 c.f.s. of water from an underground source to irrigate 320 acres of land within the W1/2 Section 1, T.10N., R.66E., M.D.B.&M. The point of diversion is described as being within the SE1/4 SW1/4 Section 1, T.10N., R.66E., M.D.B.&M.

Application 42255¹ was filed on August 28, 1980, by Mary Canul to appropriate 5.4 c.f.s. of water from an underground source to irrigate 320 acres of land within the W1/2 Section 1, T.10N., R.66E., M.D.B.&M. The point of diversion is described as being within the SE1/4 NW1/4 Section 1, T.10N., R.66E., M.D.B.&M.

Application 42256¹ was filed on August 28, 1980, by Tomas Canul to appropriate 5.4 c.f.s. of water from an underground source to irrigate 320 acres of land within the E1/2 Section 12, T.10N., R.66E., M.D.B.&M. The point of diversion is described as being within the NE1/4 NE1/4 Section 12, T.10N., R.66E., M.D.B.&M.

Application 42257¹ was filed on August 28, 1980, by Tomas Canul to appropriate 5.4 c.f.s. of water from an underground source to irrigate 320 acres of land within the E1/2 Section 12, T.10N., R.66E., M.D.B.&M. The point of diversion is described as being within the NE1/4 SE1/4 Section 12, T.10N., R.66E., M.D.B.&M.

FINDINGS

I.

Records and information² available to the State Engineer indicate that Applications 42254, 42255, 42256 and 42257 were filed in support of Desert Land Entry applications.

¹ Public record in the office of the State Engineer under application to appropriate 42254, 42255, 42256 and 42257.

² Public records in the office of the State Engineer.

II.

By letter³ dated July 14, 1982, 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-23140	Tomas Canul	T.10N., R.66E., Sec. 12
N-23142	Mary Canul	T.10N., R.66E., Sec. 1

III.

The applicants under Applications 42254, 42255, 42256 and 42257 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 42254, 42255, 42256 and 42257 were filed in support of Desert Land Entries. The Desert Land Entry applications described under II 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.

³ Public record in the office of the State Engineer under Applications 42254, 42255, 42256 and 42257.

⁴ NRS Chapters 533 and 534.

RULING

Applications 42254, 42255, 42256 and 42257 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 10th day of
MAY, 1984.