

IN THE MATTER OF APPLICATIONS)
36780, 37366 AND 43076 FILED TO)
APPROPRIATE THE PUBLIC WATERS FROM)
AN UNDERGROUND SOURCE WITHIN THE)
RUBY VALLEY GROUND WATER BASIN IN)
ELKO COUNTY, NEVADA.)

RULING

GENERAL

Application 36780¹ was filed on February 14, 1979, by Cliff Gardner to appropriate 6.0 c.f.s. of water from an underground source to irrigate 320 acres of land within the N1/2 Section 23, T.28N., R.58E., M.D.B.&M. The point of diversion is described as being within the NE1/4 NW1/4 Section 23, T.28N., R.58E., M.D.B.&M.

Application 37366¹ was filed on March 30, 1979, by Norman C. Huyser to appropriate 5.4 c.f.s. of water from an underground source to irrigate 320 acres of land within the SW1/4 Section 24, NW1/4 Section 25, T.32N., R.60E., M.D.B.&M. The point of diversion is described as being within the NW1/4 SW1/4 Section 24, T.32N., R.60E., M.D.B.&M.

Application 43076¹ was filed on January 9, 1981, by Charles S. Mosesian to appropriate 5.4 c.f.s. of water from an underground source to irrigate 320 acres of land within the N1/2 Section 13, T.30N., R.60E., M.D.B.&M. The point of diversion is described as being within the NE1/4 NW1/4 Section 13, T.30N., R.60E., M.D.B.&M.

FINDINGS

I.

Records and information² available to the State Engineer indicate that Applications 36780, 37366 and 43076 were filed in support of Desert Land Entry applications.

¹ Public record in the office of the State Engineer under applications to appropriate 36780, 37366 and 43076.

² Public records in the office of the State Engineer.

II.

By letter³ dated May 16, 1984, 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-22396	Cliff Gardner	T.28N., R.58E., Sec. 23
N-23342	Norman Huyser	T.32N., R.60E., Secs. 24 and 25
N-31778	Charles Mosesian	T.30N., R.60E., Sec. 13

III.

The applicants under Applications 36780, 37366 and 43076 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 36780, 37366 and 43076 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 36780, 37366 and 43076.

⁴ NRS Chapters 533 and 534.

RULING

Applications 36780, 37366 and 43076 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 23rd day of

MAY, 1984.