

**IN THE OFFICE OF THE STATE ENGINEER**

IN THE MATTER OF APPLICATION 35599)  
FILED TO APPROPRIATE THE PUBLIC)  
WATERS OF AN UNDERGROUND SOURCE)  
WITHIN THE GRANITE SPRINGS VALLEY)  
GROUND WATER BASIN, PERSHING)  
COUNTY, NEVADA. )

**RULING**

**GENERAL**

I.

Application 35599 was filed on July 7, 1978, by Vernon K. Cannon, Melissa R. Cannon, Leona F. Cannon and R. Joanne Graham to appropriate 3.0 c.f.s. of water from an underground source for irrigation purposes on 640 acres of land within Section 35, T.29N., R.27E., M.D.B.&M. The point of diversion is described as being within the NW1/4 SE1/4 Section 35, T.29N., R.27E., M.D.B.&M.<sup>1</sup>

II.

Application 35599 was protested by the Bureau of Land Management on September 21, 1978, on the grounds that the proposed point of diversion and place of use are located on public land in the ownership of the U.S. Government. The protest was subsequently withdrawn on March 27, 1984.<sup>1</sup>

**FINDINGS OF FACT**

I.

Records and information available to the State Engineer indicate that the point of diversion and place of use described in Application 35599 are located on public land.

II.

By letter dated April 19, 1985, the United States Department of the Interior, Bureau of Land Management, notified the State Engineer that no applications for Desert Land Entry are on file in the names of the applicants nor are there any applications on the land described in Application 35599.<sup>1</sup>

III.

The Division of State Lands has informed the State Engineer's office that no Carey Act application is on file for the lands described under Application 35599.<sup>1</sup>

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<sup>1</sup> Public record in the office of the State Engineer.

CONCLUSIONS

I.

The State Engineer has jurisdiction over the matter under the provisions of NRS Chapters 533 and 534.

II.

The point of diversion and place of use described in Application 35599 lie on public land and there is no evidence or record of pending Desert Land Entry or Carey Act application on the place of use described under Application 35599. Therefore, the applicant does not own or control the land and cannot demonstrate the ability to place the water to beneficial use.

III.

To grant an 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 35599 is herewith denied on the grounds that to grant the application for irrigation on lands 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/CT/bl

Dated this 15th day of  
May, 1985.