

IN THE OFFICE OF THE STATE ENGINEER

IN THE MATTER OF APPLICATION)
44142 FILED TO APPROPRIATE)
THE PUBLIC WATERS FROM AN)
UNDERGROUND SOURCE WITHIN THE)
LOVELOCK VALLEY GROUND WATER)
BASIN IN PERSHING COUNTY,)
NEVADA)

RULING

GENERAL

I.

Application 44142 was filed on July 6, 1981, by Alex M. Zaitzeff to appropriate 5.0 c.f.s. of water from an underground source for irrigation and domestic purposes on 320 acres of land within the E½ Section 8, T.27N., R.31E., M.D.B.&M. The point of diversion is described as being within the NW¼ NE¼ Section 8, T.27N., R.31E., M.D.B.&M.¹

FINDINGS

I.

Records and information available to the State Engineer indicates that Application 44142 was filed in support of a Desert Land Entry application.²

II.

By letter dated August 23, 1985, 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.³

<u>BLM ENTRY NO.</u>	<u>NAME</u>	<u>LAND DESCRIPTION</u>
N-33735	Alex Zaitzeff	T.27N., R.31E., Sec.8

¹ Public record in the office of the State Engineer under application to appropriate 44142.

² Public records in the office of the State Engineer.

³Public Record in the office of the State Engineer under Application 44142.

III.

The applicant under Application 44142 does not own or control the land described under the place of use of the application.

CONCLUSIONS

I.

The State Engineer has jurisdiction over the matter described herein.⁴

II.

Application 44142 was filed in support of a Desert Land Entry. The Desert Land Entry application described under II 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 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 44142 is herewith denied on the grounds that to grant an 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/bc

Dated this 24th day of
JANUARY, 1986.

⁴NRS Chapters 533 and 534.