

IN THE OFFICE OF THE STATE ENGINEER

IN THE MATTER OF APPLICATIONS)
43766, 43767, 43768 AND 43769)
FILED TO APPROPRIATE THE PUBLIC)
WATERS FROM AN UNDERGROUND)
SOURCE WITHIN THE GRANITE)
SPRINGS VALLEY GROUND WATER)
BASIN IN PERSHING COUNTY,)
NEVADA)

RULING

GENERAL

I.

Application 43766 was filed on May 19, 1981, by Peter D. Rowe and Wilma L. Foley to appropriate 6.0 c.f.s. of water from an underground source for irrigation and domestic purposes on 640 acres of land within Section 34, T.26N., R.27E., M.D.B.&M. The point of diversion is described as being within the NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 34, T.26N., R.27E., M.D.B.&M.¹

Application 43767 was filed on May 19, 1981, by Peter D. Rowe and Wilma L. Foley to appropriate 6.0 c.f.s. of water from an underground source for irrigation and domestic purposes on 640 acres of land within Section 12, T.26N., R.27E., M.D.B.&M. The point of diversion is described as being within the NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 12, T.26N., R.27E., M.D.B.&M.¹

Application 43768 was filed on May 19, 1981, by Peter D. Rowe and Wilma L. Foley to appropriate 6.0 c.f.s. of water from an underground source for irrigation and domestic purposes on 640 acres of land within Section 12, T.26N., R.27E., M.D.B.&M. The point of diversion is described as being within the SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 12, T.26N., R.27E., M.D.B.&M.¹

Application 43769 was filed on May 19, 1981, by Peter D. Rowe and Wilma L. Foley to appropriate 6.0 c.f.s. of water from an underground source for irrigation and domestic purposes on 640 acres of land within Section 34, T.26N., R.27E., M.D.B.&M. The point of diversion is described as being within the NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 12, T.26N., R.27E., M.D.B.&M.¹

FINDINGS

I.

Records and information available to the State Engineer indicate that Applications 43766, 43767, 43768 and 43769 were filed in support of Desert Land Entry applications.²

¹ Public record in the office of the State Engineer under applications to appropriate 43766, 43767, 43768 and 43769.

² Public records in the office of the State Engineer.

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 Applications had been closed and the case files are dead.³

<u>BLM ENTRY NO.</u>	<u>NAME</u>	<u>LAND DESCRIPTION</u>
N-34652	Peter D. Rowe	T.26N., R.27E., Sec.34
N-34654	Wilma L. Foley	T.26N., R.27E., Sec.12

III.

The applicants under Applications 43766, 43767, 43768 and 43769 do now own or control the land described under the place of use of the applications.

CONCLUSIONS

I.

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

II.

Applications 43766, 43767, 43768 and 43769 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.

³Public Record in the office of the State Engineer under Applications 43766, 43767, 43768 and 43769.

⁴NRS Chapters 533 and 534.

RULING

Applications 43766, 43767, 43768 and 43769 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,

A handwritten signature in cursive script, appearing to read "Peter G. Morros", written over a horizontal line.

Peter G. Morros
State Engineer

PGM/bc

Dated this 24th day of
JANUARY, 1986.