

IN THE OFFICE OF THE STATE ENGINEER

IN THE MATTER OF APPLICATION 34834)
FILED TO APPROPRIATE THE PUBLIC)
WATERS FROM AN UNDERGROUND SOURCE)
WITHIN THE CLOVER VALLEY GROUND)
WATER BASIN IN LINCOLN COUNTY,)
NEVADA.)

RULING

GENERAL

Application 34834 was filed on January 5, 1978, by Charles Austin Phillips to appropriate 2.0 c.f.s. of water from an underground source to irrigate 159.07 acres of land within the S1/2 NW1/4, SW1/4 NE1/4, NE1/4 SE1/4 Section 7, T.4S., R.68E., M.D.B.&M. The point of diversion is described as being within the SE1/4 NW1/4 Section 7, T.4S., R.68E., M.D.B.&M.¹

FINDINGS

I.

Records and information available to the State Engineer indicate that Application 34834 was filed in support of a Desert Land Entry application.¹

II.

By letter dated February 1, 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.¹

<u>BLM ENTRY NO.</u>	<u>NAME</u>	<u>LAND DESCRIPTION</u>
N-31163	Albert Phillips	T.4S., R.67E., Sec. 12 T.4S., R.68E., Sec. 7

III.

The applicant under Application 34834 does not own or control the land described under the place of use of the application.

¹ Public record in the office of the State Engineer.



CONCLUSIONS

I.

The State Engineer has jurisdiction over the matter described herein.²

II.

Application 34834 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 34834 is herewith denied on the grounds that to grant the 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/SW/bl

Dated this 2nd day of
June, 1987.

² NRS Chapters 533 and 534.