

IN THE OFFICE OF THE STATE ENGINEER

IN THE MATTER OF APPLICATIONS 42230,) 42231, 42234 AND 42235 FILED TO) APPROPRIATE THE PUBLIC WATERS FROM) AN UNDERGROUND SOURCE WITHIN THE) SPRING VALLEY GROUNDWATER BASIN IN) WHITE PINE COUNTY, NEVADA.)

RULING

GENERAL

Application 42230¹ was filed on August 28, 1980, by Charles R. Bell, Sr. to appropriate 5.4 c.f.s. of water from an underground source to irrigate 320 acres of land within the S $\frac{1}{2}$ Section 9, T.10N., R.67E., M.D.B.&M. The point of diversion is described as being within the NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 9, T.10N., R.67E., M.D.B.&M.¹

Application 42231¹ was filed on August 28, 1980, by Charles R. Bell, Sr. to appropriate 5.4 c.f.s. of water from an underground source to irrigate 320 acres of land within the S $\frac{1}{2}$ Section 9, T.10N., R.67E., M.D.B.&M. The point of diversion is described as being within the NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 9, T.10N., R.67E., M.D.B.&M.

Application 42234¹ was filed on August 28, 1980, by Dorothy M. Bell to appropriate 5.4 c.f.s. of water from an underground source to irrigate 320 acres of land within the N $\frac{1}{2}$ Section 9, T.10N., R.67E., M.D.B.&M. The point of diversion is described as being within the NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 9, T.10N., R.67E., M.D.B.&M.

Application 42235¹ was filed on August 28, 1980, by Dorothy M. Bell to appropriate 5.4 c.f.s. of water from an underground source to irrigate 320 acres of land within the N $\frac{1}{2}$ Section 9, T.10N., R.67E., M.D.B.&M. The point of diversion is described as being within the NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 9, T.10N., R.67E., M.D.B.&M.

FINDINGS

I.

Records and information available to the State Engineer indicate that Applications 42230, 42231, 42234 and 42235 were filed in support of Desert Land Entry Applications.²

¹ Public record in the office of the State Engineer.

² Public record in the office of the State Engineer filed under Applications 42230, 42231,

II.

By letters dated April 21, 1982 and May 5, 1989, 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.²

<u>BLM ENTRY NO.</u>	<u>NAME</u>	<u>LAND DESCRIPTION</u>
N-23136	Charles R. Bell, Sr.	T.10N., R.67E., Sec. 9
N-23133	Dorothy M. Bell	T.10N., R.67E., Sec. 9

III.

The applicants under Applications 42230, 42231, 42234 and 42235 do not 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.³

II.

Applications 42230, 42231, 42234 and 42235 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 water for irrigation on lands the applicant does not own or control or where the applicant cannot demonstrate the ability

42234 and 42235.

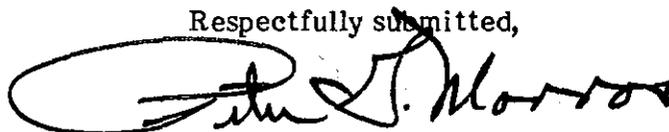
³ NRS 533 and 534.

to place the water to beneficial use, would not be in the public interest and welfare.

RULING

Applications 42230, 42231, 42234 and 42235 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 black ink, appearing to read "Peter G. Morros", enclosed within a large, hand-drawn oval.

PETER G. MORROS
State Engineer

PGM/SW/bk

Dated this 7th day of
July, 1989.