

IN THE OFFICE OF THE STATE ENGINEER

IN THE MATTER OF APPLICATIONS 32313)  
(FILED TO APPROPRIATE) AND 49504 FILED)  
TO CHANGE THE POINT OF DIVERSION AND)  
PLACE OF USE OF THE PUBLIC WATERS)  
FROM AN UNDERGROUND SOURCE WITHIN)  
THE STEPTOE VALLEY GROUNDWATER)  
BASIN IN WHITE PINE COUNTY, NEVADA. )

RULING

GENERAL

Application 32313 was filed on June 27, 1977, by Jean Rosenlund to appropriate 2.7 c.f.s. of water from an underground source to irrigate 160 acres of land within the SE $\frac{1}{4}$  NW $\frac{1}{4}$ ; SW $\frac{1}{4}$  NE $\frac{1}{4}$ ; NE $\frac{1}{4}$  SW $\frac{1}{4}$ ; NW $\frac{1}{4}$  SE $\frac{1}{4}$  Section 22, T.22N., R.64E., M.D.B.&M. The point of diversion is described as being within the SW $\frac{1}{4}$  NE $\frac{1}{4}$  Section 22, T.22N., R.64E., M.D.B.&M.<sup>1</sup>

Application 49504 was filed on November 14, 1985, by Lyman J. Rosenlund to change the point of diversion and place of use of 2.7 c.f.s. of water heretofore applied for under Application 32313. The proposed use is for irrigation and domestic purposes within the E $\frac{1}{2}$  NE $\frac{1}{4}$  Section 8; NW $\frac{1}{4}$ , N $\frac{1}{2}$  SW $\frac{1}{4}$  Section 9, all located in T.22N., R.64E., M.D.B.&M. The proposed point of diversion is described as being within the NE $\frac{1}{4}$  NW $\frac{1}{4}$  Section 9, T.22N., R.64E., M.D.B.&M. The existing point of diversion is described as being within the SW $\frac{1}{4}$  NE $\frac{1}{4}$  Section 22, T.22N., R.64E., M.D.B.&M.<sup>1</sup>

FINDINGS

I.

Records and information available to the State Engineer indicate that Applications 32313 and 49504 were filed in support of a Desert Land Entry Application.<sup>2</sup>

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

<sup>2</sup> Public record in the office of the State Engineer filed under Applications 32313 and 49504.

II.

By letter dated May 13, 1987, 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 file is dead.<sup>2</sup>

<u>BLM ENTRY NO.</u>	<u>NAME</u>	<u>LAND DESCRIPTION</u>
N-23898	Lyman J. Rosenlund	T.22N., R.64E., Sec. 8, 9

III.

The applicant under Applications 32313 and 49504 does 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.<sup>3</sup>

II.

Applications 32313 and 49504 were 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 applications and cannot demonstrate the ability to place the water to beneficial use.

III.

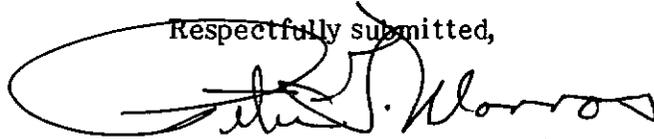
To grant applications to appropriate the public water for irrigation on lands the applicant does not own or control or where the applicant cannot demonstrate the ability to place the water to beneficial use, would not be in the public interest and welfare.

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<sup>3</sup> NRS Chapters 533 and 534.

RULING

Applications 32313 and 49504 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", written over a large, loopy oval scribble.

PETER G. MORROS  
State Engineer

PGM/SW/bk

Dated this 20th day of

July, 1989