

IN THE MATTER OF APPLICATIONS 38057)
AND 38218 FILED TO APPROPRIATE THE)
PUBLIC WATERS FROM AN UNDERGROUND)
SOURCE WITHIN THE GREAT SALT LAKE)
DESERT GROUND WATER BASIN IN ELKO)
COUNTY, NEVADA.)

RULING

GENERAL

Application 38057¹ was filed on April 30, 1979, by Larry Feraco to appropriate 5.4 c.f.s. of water from an underground source to irrigate 320 acres of land within the W1/2 Section 12, T.32N., R.69E., M.D.B.&M. The point of diversion is described as being within the NE1/4 SW1/4 Section 12, T.32N., R.69E., M.D.B.&M.

Application 38218¹ was filed on May 21, 1979, by James P. Savas to appropriate 5.4 c.f.s. of water from an underground source to irrigate 320 acres of land within the E1/2 Section 2, T.32N., R.69E., M.D.B.&M. The point of diversion is described as being within the NE1/4 SE1/4 Section 2, T.32N., R.69E., M.D.B.&M.

FINDINGS

I.

Records and information² available to the State Engineer indicate that Applications 38057 and 38218 were filed in support of Desert Land Entry applications.

II.

By letter³ dated December 9, 1983, 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.

<u>BLM ENTRY NO.</u>	<u>NAME</u>	<u>LAND DESCRIPTION</u>
N-24421	Larry Feraco	T.32N., R.69E., Sec. 12
N-24534	James Savas	T.32N., R.69E., Sec. 2

¹ Public record in the office of the State Engineer under applications to appropriate 38057 and 38218.

² Public records in the office of the State Engineer.

³ Public record in the office of the State Engineer under Applications 38057 and 38218.

III.

The applicants under Applications 38057 and 38218 do not own or control the land described under the place of use of the applications.

CONCLUSIONS

I.

The State Engineer has jurisdiction⁴ over the matter described herein.

II.

Applications 38057 and 38218 were filed in support of Desert Land Entries. The Desert Land Entry applications described under III 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.

RULING

Applications 38057 and 38218 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,



Peter G. Morros
State Engineer

PGM/BD/bl

Dated this 5th day of

MARCH, 1984.

⁴ NRS Chapters 533 and 534.