

IN THE MATTER OF APPLICATION 42374 )  
FILED TO APPROPRIATE THE PUBLIC )  
WATERS FROM AN UNDERGROUND SOURCE )  
WITHIN THE RUBY VALLEY GROUND WATER )  
BASIN IN ELKO COUNTY, NEVADA. )

RULING

GENERAL

Application 42374<sup>1</sup> was filed on September 3, 1980, by Kenneth J. Nelson to appropriate 5,4 c.f.s. of water from an underground source to irrigate 320 acres of land within the E1/2 Section 1, T.27N., R.58E., M.D.B.&M. The point of diversion is described as being within the SE1/4 SE1/4 Section 1, T.27N., R.58E., M.D.B.&M.

FINDINGS

I.

Records and information<sup>2</sup> available to the State Engineer indicate that Application 42374 was filed in support of Desert Land Entry application.

II.

By letter<sup>3</sup> dated July 20, 1981, 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.

<u>BLM ENTRY NO.</u>	<u>NAME</u>	<u>LAND DESCRIPTION</u>
N-30707	Kenneth J. Nelson	T.27N., R.58E., Sec. 1

III.

The applicant under Application 42374 does not own or control the land described under the place of use of the application.

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<sup>1</sup> Public record in the office of the State Engineer under application to appropriate 42374.

<sup>2</sup> Public records in the office of the State Engineer.

<sup>3</sup> Public record in the office of the State Engineer under Application 42374.

CONCLUSIONS

I.

The State Engineer has jurisdiction<sup>4</sup> over the matter described herein.

II.

Application 42374 was filed in support of Desert Land Entry. The Desert Land Entry application described under III 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 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 42374 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/BD/bl

Dated this 22nd day of  
MARCH, 1984.

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<sup>4</sup> NRS Chapters 533 and 534.