

IN THE MATTER OF APPLICATION 36529)
FILED TO APPROPRIATE THE PUBLIC)
WATERS FROM AN UNDERGROUND SOURCE)
WITHIN THE COLORADO RIVER GROUND)
WATER BASIN IN CLARK COUNTY,)
NEVADA.)

RULING

GENERAL

Application 36529¹ was filed on January 25, 1979, by Timothy C. McConnell to appropriate 5.4 c.f.s. of water from an underground source to irrigate 320 acres of land within the S1/2 Section 27, T.25S., R.64E., M.D.B.&M. The point of diversion is described as being within the NE1/4 SW1/4 Section 27, T.25S., R.64E., M.D.B.&M.

FINDINGS

I.

Colorado River Ground Water Basin was described and designated² by the State Engineer on July 8, 1982 as a ground water basin in need of additional administration under the provisions of NRS Chapter 534.

II.

Records and information³ available to the State Engineer indicate that Application 36529 was filed in support of Desert Land Entry application.

III.

By letter⁴ dated May 9, 1983, 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-22293	Timothy C. McConnell	T.25S., R.64E., Sec. 27

¹ Public record in the office of the State Engineer under application to appropriate 36529.

² Public record in the office of the State Engineer - State Engineer's Order No. 790. See also transcript of public hearing before the State Engineer on June 11, 1982. NRS 534.030.

³ Public records in the office of the State Engineer.

⁴ Public record in the office of the State Engineer under Application 36529.

IV.

The applicant under Application 36529 does not own or control the land described under the place of use of the application.

V.

Application 36529 seeks to appropriate water within the Colorado River Valley Ground Water Basin in support of a Desert Land Entry application. The State Engineer has denied applications to appropriate ground water within the basin in the past which have been filed in support of Desert Land Entry applications for irrigation purposes.³

CONCLUSIONS

I.

The State Engineer has jurisdiction⁵ over the matter described herein.

II.

Application 36529 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.

IV.

The State Engineer has denied applications to appropriate for irrigation purposes filed in support of Desert Land Entry applications within the Colorado River Valley Ground Water Basin in the past.³ In addition, irrigation is not a preferred use of the limited resources within the Colorado River Valley Designated Ground Water Basin.²

⁵ NRS Chapters 533 and 534.

RULING

Application 36529 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. Additionally, to grant the application for irrigation purposes in support of a Desert Land Entry application, would adversely effect and impair existing rights.

Respectfully submitted,



Peter G. Morros
State Engineer

PGM/BD/bl

Dated this 28th day of

MARCH, 1984.