

IN THE OFFICE OF THE STATE ENGINEER

IN THE MATTER OF APPLICATIONS)
38055 AND 40347 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

I.

Application 38055 was filed on April 30, 1979, by David K. Facer to appropriate 5.4 c.f.s. of water from an underground source for irrigation purposes on 320 acres of land within the W $\frac{1}{2}$ Section 31, T.33N., R.70E., M.D.B.&M. The point of diversion is described as being within the NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 31, T.33N., R.70E., M.D.B.&M.¹

Application 40347 was filed on January 18, 1980, by Leland Facer to appropriate 5.4 c.f.s. of water from an underground source for irrigation purposes on 320 acres of land within the E $\frac{1}{2}$ Section 26, T.32N., R.69E., M.D.B.&M. The point of diversion is described as being within the SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 26, T.32N., R.69E., M.D.B.&M.¹

FINDINGS

I.

Records and information available to the State Engineer indicate that Applications 38055 and 40347 were filed in support of Desert Land Entry applications.²

II.

By letter dated November 14, 1985, 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.³

¹ Public record in the office of the State Engineer under applications to appropriate 38055 and 40347.

² Public records in the office of the State Engineer.

³Public Record in the office of the State Engineer under Applications 38055 and 40347.

<u>BLM ENTRY NO.</u>	<u>NAME</u>	<u>LAND DESCRIPTION</u>
N-24264	David K. Facer	T.33N., R.70E., Sec.31
N-27934	Leland Facer	T.32N., R.69E., Sec.26

III.

The applicants under Applications 38055 and 40347 do now 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.⁴

II.

Applications 38055 and 40347 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 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.

⁴NRS Chapters 533 and 534.

RULING

Applications 38055 and 40347 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", is written over a horizontal line. The signature is stylized with a large initial "P" and a long, sweeping underline.

Peter G. Morros
State Engineer

PGM/bc

Dated this 24th day of
JANUARY, 1986.