

IN THE OFFICE OF THE STATE ENGINEER

IN THE MATTER OF APPLICATIONS)
39512, 39513, 39514, 39520,)
39522 AND 39523 FILED TO)
APPROPRIATE THE PLUBLIC WATERS)
FROM AN UNDERGROUND SOURCE)
WITHIN THE RUBY VALLEY GROUND)
WATER BASIN IN ELKO COUNTY,)
NEVADA)

RULING

GENERAL

I.

Application 39512 was filed on November 2, 1979, by Raydel Hunt to appropriate 5.4 c.f.s. of water from an underground source for irrigation purposes on 320 acres of land within the S $\frac{1}{2}$ Section 30, T.30N., R.62E., M.D.B.&M. The point of diversion is described as being within the NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 30, T.30N., R.61E., M.D.B.&M.¹

Application 39513 was filed on November 2, 1979, by Juel Lott to appropriate 5.4 c.f.s. of water from an underground source for irrigation purposes on 320 acres of land within the S $\frac{1}{2}$ Section 21, T.30N., R.61E., M.D.B.&M. The point of diversion is described as being within the NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 21, T.30N., R.61E., M.D.B.&M.¹

Application 39514 was filed on November 2, 1979, by Gale Palmer to appropriate 5.4 c.f.s. of water from an underground source for irrigation purposes on 320 acres of land within the N $\frac{1}{2}$ Section 30, T.30N., R.61E., M.D.B.&M. The point of diversion is described as being within the NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 30, T.30N., R.61E., M.D.B.&M.¹

Application 39520 was filed on November 2, 1979, by Douglas F. Prince to appropriate 5.4 c.f.s. of water from an underground source for irrigation purposes on 320 acres of land within the E $\frac{1}{2}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$ and W $\frac{1}{2}$ SE $\frac{1}{4}$ Section 16, T.30N., R.61E., M.D.B.&M. The point of diversion is described as being within the NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 16, T.30N., R.61E., M.D.B.&M.¹

Application 39522 was filed on November 2, 1979, by Leon D. Prince to appropriate 5.4 c.f.s. of water from an underground source for irrigation purposes on 320 acres of land within the E $\frac{1}{2}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$ and W $\frac{1}{2}$ SE $\frac{1}{4}$ Section 17, T.30N., R.61E., M.D.B.&M. The point of diversion is described as being within the NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 17, T.30N., R.61E., M.D.B.&M.¹

¹ Public record in the office of the State Engineer under applications to appropriate 39512, 39513, 39514, 39520, 39522 and 39523.

Application 39523 was filed on November 2, 1979, by Warren L. Prince to appropriate 5.4 c.f.s. of water from an underground source for irrigation purposes on 320 acres of land within the E $\frac{1}{2}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$ and W $\frac{1}{2}$ SE $\frac{1}{4}$ Section 18, T.30N., R.61E., M.D.B.&M. The point of diversion is described as being within the NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 18, T.30N., R.61E., M.D.B.&M.¹

FINDINGS

I.

Records and information available to the State Engineer indicate that applications to appropriate 39512, 39513, 39514, 39520, 39522 and 39523 were filed in support of Desert Land Entry applications.²

II.

By letter dated January 30, 1986, 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

<u>BLM ENTRY NO.</u>	<u>NAME</u>	<u>LAND DESCRIPTION</u>
N-27160	Radell Hunt	T.30N., R.61E., Sec. 30
N-27161	Juel D. Lott	T.30N., R.61E., Sec. 21
N-27159	Gale L. Palmer	T.30N., R.61E., Sec. 30
N-27157	Douglas F. Prince	T.30N., R.61E., Sec. 16
N-27165	D. Leon Prince	T.30N., R.61E., Sec. 17
N-27167	Warren L. Prince	T.30N., R.61E., Sec. 18

III.

The applicants under Applications 39512, 39513, 39514, 39520, 39522 and 39523 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

² Public records in the office of the State Engineer.

³ Public record in the office of the State Engineer under Applications 39512, 39513, 39514, 39520, 39522 and 39523.

⁴ NRS Chapters 533 and 534.

II.

Applications 39512, 39513, 39514, 39520, 39522 and 39523 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.

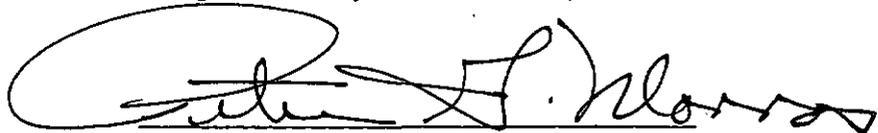
III.

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.

RULING

Applications 39512, 39513, 39514, 39520, 39522 and 39523 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 and cursive.

Peter G. Morros
State Engineer

PGM/SW/bc

Dated this 28th day of

FEBRUARY, 1986.