

IN THE OFFICE OF THE STATE ENGINEER

IN THE MATTER OF APPLICATION 42946 )  
FILED TO APPROPRIATE THE PUBLIC )  
WATERS FROM AN UNDERGROUND SOURCE )  
WITHIN THE RUBY VALLEY GROUND WATER )  
BASIN IN ELKO COUNTY, NEVADA. )

RULING

GENERAL

Application 42946 was filed on December 12, 1980, by Michael Franz to appropriate 5.4 c.f.s. of water from an underground source to irrigate 320 acres of land within the N1/2 Section 34, T.30N., R.60E., M.D.B.&M. The point of diversion is described as being within the NE1/4 NE1/4 Section 34, T.30N., R.60E., M.D.B.&M.<sup>1</sup>

FINDINGS

I.

Records and information available to the State Engineer indicate that Application 42946 was filed in support of a Desert Land Entry application.<sup>1</sup>

II.

By letter dated July 24, 1987, 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.<sup>1</sup>

<u>BLM ENTRY NO.</u>	<u>NAME</u>	<u>LAND DESCRIPTION</u>
N-31654		T.30N., R.60E., Sec. 34

III.

The applicant under Application 42946 does not own or control the land described under the place of use of the application.

CONCLUSIONS

I.

The State Engineer has jurisdiction over the matter described herein.<sup>2</sup>

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<sup>1</sup> Public records in the office of the State Engineer.

<sup>2</sup> NRS Chapters 533 and 534.

II.

Application 42946 was filed in support of a Desert Land Entry. The Desert Land Entry application described under II 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 an 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 42946 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/SW/bl

Dated this 28th day of  
October, 1987.