

IN THE OFFICE OF THE STATE ENGINEER

IN THE MATTER OF APPLICATIONS 47482 )  
AND 47483 FILED TO APPROPRIATE THE )  
PUBLIC WATERS FROM AN UNDERGROUND )  
SOURCE WITHIN THE ANTELOPE VALLEY )  
(SOUTHERN PART) GROUND WATER BASIN )  
IN ELKO COUNTY, NEVADA. )

RULING

GENERAL

Application 47482 was filed on December 6, 1983, by Richard P. Keller to appropriate 5.4 c.f.s. of water from an underground source to irrigate 320 acres of land within the N1/2 Section 21, T.27N., R.68E., M.D.B.&M. The point of diversion is described as being within the NE1/4 NW1/4 Section 21, T.27N., R.68E., M.D.B.&M.<sup>1</sup>

Application 47483 was filed on December 6, 1983, by Mark D. Yule to appropriate 5.4 c.f.s. of water from an underground source to irrigate 320 acres of land within the S1/2 SW1/4 Section 9; NW1/4, E1/2 SW1/4 Section 16, T.27N., R.68E., M.D.B.&M. The point of diversion is described as being within the NE1/4 NW1/4 Section 16, T.27N., R.68E., M.D.B.&M.<sup>1</sup>

FINDINGS

I.

Records and information available to the State Engineer indicate that Applications 47482 and 47483 were filed in support of Desert Land Entry applications.<sup>1</sup>

II.

By letters dated June 24, 1987, 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.<sup>1</sup>

<u>BLM ENTRY NO.</u>	<u>NAME</u>	<u>LAND DESCRIPTION</u>
N-25979	Richard P. Keller	T.27N., R.68E., Sec. 21
N-25980	Mark D. Yule	T.27N., R.68E., Sec's. 9, 16

III.

The applicants under Applications 47482 and 47483 do not own or control the land described under the place of use of the applications.

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

CONCLUSIONS

I.

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

II.

Applications 47482 and 47483 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 47482 and 47483 are herewith denied on the grounds that to grant the applications for irrigation purposes on lands that the applicants do 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.

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