

IN THE OFFICE OF THE STATE ENGINEER

IN THE MATTER OF APPLICATIONS)
39977 AND 39979 FILED TO)
APPROPRIATE THE PUBLIC WATERS)
FROM AN UNDERGROUND SOURCE)
WITHIN THE MONITOR VALLEY)
(SOUTHERN PART) GROUND WATER)
BASIN IN NYE COUNTY, NEVADA.)

RULING

GENERAL

I.

Application 39977 was filed on December 14, 1979 by David R. Adams to appropriate 7.4 c.f.s. of water from an underground source to irrigate 320 acres of land within the E1/2 of Section 11, T.9N., R.46E., M.D.B.&M. The point of diversion is described as being within the SE1/4 NE1/4 Section 11, T.9N., R.46E., M.D.B.&M.¹

Application 39979 was filed on December 14, 1979 by Anita M. Garfield to appropriate 7.4 c.f.s. of water from an underground source to irrigate 320 acres of land within the W1/2 of Section 15, T.9N., R.46E., M.D.B.&M. The point of diversion is described as being within the SW1/4 NW1/4 Section 15, T.9N., R.46E., M.D.B.&M.¹

FINDINGS OF FACT

I.

Records and information available to the State Engineer indicate that Applications 39977 and 39979 were filed in support of Desert Land Entry applications.²

¹ Public record in the office of the State Engineer.

² Public record in the office of the State Engineer under Application 39977 and 39979.

II.

By letter dated January 19, 1990, 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.²

<u>BLM ENTRY NO.</u>	<u>NAME</u>	<u>LAND DESCRIPTION</u>
N-27691	David R. Adams	T.9N., R.46E., Sec. 11,
N-27693	Anita M. Garfield	T.9N., R.46E., Sec. 15,

III.

The applicants under Applications 39977 and 39979 do not 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.³

II.

Applications 39977 and 39979 were filed in support of Desert Land Entries. The Desert Land Entry applications described under II of Findings of Fact 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.

³ NRS Chapters 533 and 534.

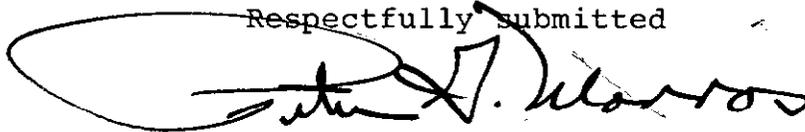
III.

To grant applications to appropriate the public water 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 39977 and 39979 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



PETER G. MORROS
State Engineer

PGM/SW/pm

Dated this 29th day of
January, 1990