

IN THE OFFICE OF THE STATE ENGINEER

IN THE MATTER OF APPLICATION 48354)
FILED TO APPROPRIATE THE PUBLIC)
WATERS FROM AN UNDERGROUND SOURCE)
WITHIN THE RAILROAD VALLEY)
(NORTHERN PART) GROUND WATER BASIN)
IN NYE COUNTY, NEVADA.)

RULING

GENERAL

Application 48354 was filed on September 6, 1984, by Steven L. Peddicord to change the point of diversion and place of use of 5.4 c.f.s., a portion of water heretofore applied for under Application 31429, to irrigate 320 acres of land within the S $\frac{1}{2}$ N $\frac{1}{2}$ and N $\frac{1}{2}$ S $\frac{1}{2}$ Section 7, T.4N., R.54E., M.D.B.&M. The point of diversion is described as being within the SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 7, T.4N., R.54E., M.D.B.&M.¹

FINDINGS

I.

Records and information available to the State Engineer indicate that Application 48354 was filed in support of a Desert Land Entry Application.²

II.

By letter dated April 9, 1990, 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:²

<u>BLM ENTRY NO.</u>	<u>NAME</u>	<u>LAND DESCRIPTION</u>
N-40267	Steven L. Peddicord	T.4N., R.54E., Sec. 7

¹ Public record in the office of the State Engineer.

² Public record in the office of the State Engineer filed under Application 48354.

III.

The applicant under Application 48354 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.³

II.

Application 48354 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 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.

³ NRS Chapters 533 and 534.

RULING

Application 48354 is herewith denied on the grounds that to grant an 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,



R. MICHAEL TURNIPSEED, P.E.
State Engineer

RMT/SW/bk

Dated this 29th day of
May, 1990.