

IN THE OFFICE OF THE STATE ENGINEER
OF THE STATE OF NEVADA

IN THE MATTER OF APPLICATION 45175)
FILED TO APPROPRIATE THE PUBLIC)
WATERS FROM AN UNDERGROUND SOURCE)
WITHIN THE SPRING VALLEY GROUND)
WATER BASIN IN WHITE PINE COUNTY,)
NEVADA.)

RULING

3881

GENERAL

I.

Application 45175¹ was filed on December 31, 1981, by Marie Edwards to appropriate 5.56 c.f.s. of water from an underground source for irrigation purposes on 320 acres of land within the W1/2 of Section 16, T.14N., R.67E., M.D.B.&M. The point of diversion is described as being within the SE1/4 SW1/4 Section 16, T.14N., R.67E., M.D.B.&M.

FINDINGS OF FACT

I.

Records and information available to the State Engineer indicate that Application 45175 was filed in support of a Desert Land Entry application.¹

II.

By letter dated December 4, 1991, 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 dead.¹

<u>BLM ENTRY NO.</u>	<u>NAME</u>	<u>LAND DESCRIPTION</u>
N-24388	Edwards, Marie	T.14N., R.67E., Sec. 16, W1/2

III.

The applicant under Application 45175 does not own or control the land described under the place of use of the application.

¹ Public record in the office of the State Engineer filed under Application 45175.

CONCLUSIONS

I.

The State Engineer has jurisdiction over the matter described herein.²

II.

Application 45175 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.

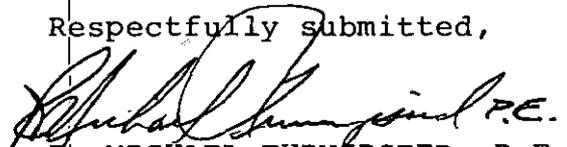
III.

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.

RULING

Application 45175 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/MR/pm

Dated this 19th day of
March 1992.

² NRS Chapters 533 and 534.