

IN THE OFFICE OF THE STATE ENGINEER

IN THE MATTER OF APPLICATIONS 40557)
AND 40562 FILED TO APPROPRIATE THE)
PUBLIC WATERS FROM AN UNDERGROUND)
SOURCE WITHIN THE HOT CREEK VALLEY)
GROUND WATER BASIN IN NYE COUNTY,)
NEVADA.)

RULING 43434

GENERAL

Application 40557 was filed on February 19, 1980, by Cynthea D. Dobson to appropriate 5.4 c.f.s. of water from an underground source to irrigate 320 acres of land within the N1/2 Section 1, T.4N., R.50E., M.D.B.&M. The point of diversion is described as being within the NW1/4 NW1/4 Section 1, T.4N., R.50E., M.D.B.&M.¹

Application 40562 was filed on February 19, 1980, by Harlon S. Dobson to appropriate 5.4 c.f.s. of water from an underground source to irrigate 320 acres of land within the S1/2 Section 1, T.4N., R.50E., M.D.B.&M. The point of diversion is described as being within the SW1/4 SW1/4 Section 1, T.4N., R.50E., M.D.B.&M.¹

FINDINGS

I.

Records and information available to the State Engineer indicate that Applications 40557 and 40562 were filed in support of Desert Land Entry applications.²

II.

By letter dated April 7, 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.¹

<u>BLM ENTRY NO.</u>	<u>NAME</u>	<u>LAND DESCRIPTION</u>
N-29258	Cynthia C. Dobson	T.4N., R.50E., Sec. 1
N-29262	Harlon S. Dobson	T.4N., R.50E., Sec. 1

III.

The applicants under Applications 40557 and 40562 do not own or control the land described under the place of use of the applications.

¹ Public record in the office of the State Engineer under Applications 40577 and 40562.

² Public records in the office of the State Engineer.

CONCLUSIONS

I.

The State Engineer has jurisdiction over the matter described herein.³

II.

Applications 50537 and 50562 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 40557 and 40562 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/bl

Dated this 13th day of
May, 1987.

³ NRS Chapters 533 and 534.