

IN THE OFFICE OF THE STATE ENGINEER .

IN THE MATTER OF APPLICATION 33525)
FILED TO APPROPRIATE THE PUBLIC)
WATERS FROM AN UNDERGROUND SOURCE)
WITHIN THE HOT CREEK VALLEY)
GROUNDWATER BASIN IN NYE COUNTY,)
NEVADA.)

RULING 13565

GENERAL

Application 33525¹ was filed on September 12, 1977, by Ernest Thomsen to appropriate 2.7 c.f.s. of water from an underground source to irrigate 160 acres of land within the E1/2 SE1/4 Section 24, NE1/4 NE1/4 Section 25, T.7N., R.50E., M.D.B.&M. and the SW1/4 SW1/4 Section 19, T.7N., R.51E., M.D.B.&M. The point of diversion is described as being within the NE1/4 SE1/4 Section 24, T.7N., R.50E., M.D.B.&M.

FINDINGS

I.

Records and information available to the State Engineer indicate that Application 33525 was filed in support of a Carey Act application.¹

II.

By letter dated October 3, 1988, the State of Nevada, Department of Conservation and Natural Resources, Division of State Lands, notified the State Engineer that the following Carey Act application had been closed and the case file is dead.¹

<u>BLM ENTRY NO.</u>	<u>NAME</u>	<u>LAND DESCRIPTION</u>
N-41998	State of Nevada	T.7N., R.50E., Sec. 24, 25 T.7N., R.51E., Sec. 19

CAREY ACT NO.

N-1424	Ernest Thomsen
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¹ Public record in the office of the State Engineer under application to appropriate 33525.

III.

The applicant under Application 33525 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.²

II.

Application 33525 was filed in support of a Carey Act. The Carey Act application described under II of Findings has been closed on the records of the Bureau of Land Management and Division of State Lands, 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.

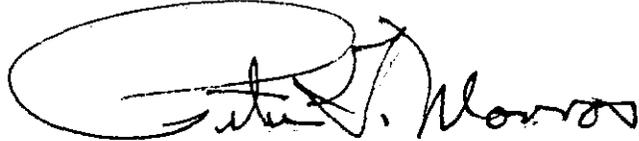
To grant an application to appropriate the public water for irrigation on lands the applicant does not own or control or where the applicant cannot demonstrate the ability to place the water to beneficial use, would not be in the public interest and welfare.

² NRS Chapters 533 and 534.

RULING

Application 33525 is herewith denied on the grounds that to grant the 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,

A handwritten signature in black ink, appearing to read "Peter G. Morros", is written over a large, hand-drawn oval. The signature is fluid and cursive.

Peter G. Morros
State Engineer

PGM/SW/bk

Dated this 27th day of

October, 1988.