

IN THE OFFICE OF THE STATE ENGINEER

IN THE MATTER OF APPLICATIONS 38356 and)
38357 FILED TO APPROPRIATE THE PUBLIC)
WATERS FROM AN UNDERGROUND SOURCE)
WITHIN THE HOT CREEK VALLEY)
GROUNDWATER BASIN IN NYE COUNTY,)
NEVADA.)

RULING # 3575

GENERAL

Application 38356¹ was filed on June 18, 1979, by Effie M. Gergen to appropriate 2.7 c.f.s. of water from an underground source to irrigate 160 acres of land within the SE1/4 NE1/4, NE1/4 SE1/4 Section 34 and SW1/4 NW1/4, NW1/4 SW1/4 Section 35 all in T.7N., R.50E., M.D.B.&M. The point of diversion is described as being within the NW1/4 SW1/4 Section 35, T.7N., R.50E., M.D.B.&M.¹

Application 38357¹ was filed on June 18, 1979, by Effie M. Gergen to appropriate 2.7 c.f.s. of water from an underground source to irrigate 160 acres of land within the SE1/4 NW1/4, NE1/4 SW1/4, SW1/4 NE1/4, and NW1/4 SE1/4 of Section 35, T.7N., R.50E., M.D.B.&M. The point of diversion is described as being within the NW1/4 SE1/4 Section 35, T.7N., R.50E., M.D.B.&M.

FINDINGS

I.

Records and information available to the State Engineer indicate that Applications 38356 and 38357 were filed in support of Desert Land Entry applications.¹

II.

By letter dated August 10, 1988, 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

¹ Public Record in the office of the State Engineer.

<u>BLM ENTRY NO.</u>	<u>NAME</u>	<u>LAND DESCRIPTION</u>
N-24788	William E. Gergen	T.7N., R.50E., Sec.'s 26, 27, 34, 35

III.

The applicant under Applications 38356 and 38357 does 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.²

II.

Applications 38356 and 38357 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 applicant does 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.

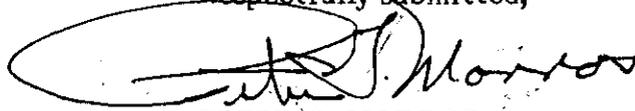
To grant applications to appropriate the public water for irrigation on lands the applicant does not own or control or where the applicant cannot demonstrate the ability to place the water to beneficial use, would not be in the public interest and welfare.

² NRS Chapters 533 and 534.

RULING

Applications 3835 6 and 3835 7 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,

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 31st day of
January, 1989.