

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

IN THE MATTER OF APPLICATIONS 37470)
AND 37471 FILED TO APPROPRIATE THE)
PUBLIC WATERS OF AN UNDERGROUND)
SOURCE WITHIN THE HOT CREEK VALLEY)
HYDROGRAPHIC BASIN (156), NYE)
COUNTY, NEVADA.)

RULING

4895

GENERAL

I.

Application 37470 was filed on April 2, 1979, by Gerald Crawford to appropriate 2.7 cubic feet per second of underground water for irrigation and domestic purposes within 160 acres of land located within the SW $\frac{1}{4}$ of Section 1, T.5N., R.50E., M.D.B.&M. The proposed point of diversion is described as being located within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 1.¹

II.

Application 37471 was filed on April 2, 1979, by Gerald Crawford to appropriate 2.7 cubic feet per second of underground water for irrigation and domestic purposes within 160 acres of land located within the NE $\frac{1}{4}$ of Section 1, T.5N., R.50E., M.D.B.&M. The proposed point of diversion is described as being located within the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 1.²

FINDINGS OF FACT

I.

Applications 37470 and 37471 were filed to appropriate underground water for use upon land that was to be removed from the federal domain through the approval of respective Desert Land Entry applications. By letter dated December 9, 1999, the United States Department of the Interior, Bureau of Land Management (BLM), was requested to provide information to the office of the State Engineer relating to the current status of

¹ File No. 37470, official records in the office of the State Engineer.

² File No. 37471, official records in the office of the State Engineer.

the Gerald Crawford Desert Land Entry applications. A timely response from the BLM was received in the office of the State Engineer that indicated that the BLM had no record of Desert Land Entry applications being filed in support of either Application 37470 or Application 37471.^{1,2} The State Engineer finds that the applicant has failed to initiate the procedure necessary to remove the land representing the respective places of use under the subject applications from federal control, therefore, said land remains under federal jurisdiction.

II.

A water right application is filed to appropriate water for a specific purpose, which in the case of Application 37470 and Application 37471 is for the irrigation of separate 160 acre parcels of land that were to be removed from federal control and transferred to the applicant through the filing and approval of Desert Land Entry applications. The State Engineer finds that the applicant's failure to file the required Desert Land Entry applications removes the purpose for which Application 37470 and Application 37471 were filed.

CONCLUSIONS

I.

The State Engineer has jurisdiction over the parties and the subject matter of this action and determination.³

II.

The State Engineer is prohibited by law from granting an application to appropriate the public waters where:⁴

- A. there is no unappropriated water at the proposed source;
- B. the proposed use conflicts with existing rights; or
- C. the proposed use threatens to prove detrimental to the public interest.

³ NRS chapters 533 and 534.

⁴ NRS § 533.370(3).

III.

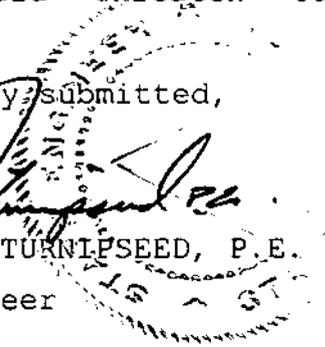
Application 37470 and Application 37471 request appropriations of water for a project that does not exist. The State Engineer concludes that to approve permits where the need to appropriate the water has ceased would threaten to prove detrimental to the public interest.

RULING

Application 37470 and Application 37471 are hereby denied on the grounds that their approval would threaten to prove detrimental to the public interest.

Respectfully submitted,


R. MICHAEL TURNIPSEED, P.E.
State Engineer



RMT/MDB/dl

Dated this 31st day of
March, 2000.