

IN THE OFFICE OF THE STATE ENGINEER

IN THE MATTER OF APPLICATIONS 31464,)
31465, 31466, 31467, 31468, 31469, 31546,)
31547, 31548, 31549, 31550, 31551, 31552,)
31553, 31554, 31555, 31556, 31557, 31558,)
31559, 32038, 32039, 32040, 32367, 34620,)
34621, 37348, 37468, 37391, 37398, 38346,)
38348, 38350, 38351, 40560, 40561 AND 42987)
FILED TO APPROPRIATE THE PUBLIC)
WATERS FROM AN UNDERGROUND SOURCE)
WITHIN THE HOT CREEK VALLEY GROUND)
WATER BASIN IN NYE COUNTY, NEVADA.)

RULING # 3145

GENERAL

Application 31464 was filed on May 4, 1977, by Hot Creek Reclamation Co., Inc., to appropriate 10.8 c.f.s. of water from an underground source to irrigate 640 acres of land within all of Section 19, T.5N., R.51E., M.D.B.&M. The point of diversion is described as being within the NE1/4 NW1/4 Section 19, T.5N., R.51E., M.D.B.&M.¹

Application 31465 was filed on May 4, 1977, by Hot Creek Reclamation Co., Inc., to appropriate 10.8 c.f.s. of water from an underground source to irrigate 640 acres of land within all of Section 20, T.5N., R.51E., M.D.B.&M. The point of diversion is described as being within the NE1/4 NW1/4 Section 20, T.5N., R.51E., M.D.B.&M.¹

Application 31466 was filed on May 4, 1977, by Hot Creek Reclamation Co., Inc., to appropriate 10.8 c.f.s. of water from an underground source to irrigate 640 acres of land within all of Section 29, T.5N., R.51E., M.D.B.&M. The point of diversion is described as being within the NE1/4 NW1/4 Section 29, T.5N., R.51E., M.D.B.&M.¹

Application 31467 was filed on May 4, 1977, by Hot Creek Reclamation Co., Inc., to appropriate 10.8 c.f.s. of water from an underground source to irrigate 640 acres of land within all of Section 30, T.5N., R.51E., M.D.B.&M. The point of diversion is described as being within the NE1/4 NW1/4 Section 30, T.5N., R.51E., M.D.B.&M.¹

Application 31468 was filed on May 4, 1977, by Hot Creek Reclamation Co., Inc., to appropriate 10.8 c.f.s. of water from an underground source to irrigate 640 acres of land within all of Section 31, T.5N., R.51E., M.D.B.&M. The point of diversion is described as being within the NE1/4 NW1/4 Section 31, T.5N., R.51E., M.D.B.&M.¹

¹ Public record in the office of the State Engineer under applications to appropriate 31464, 31465, 31466, 31467, 31468, 31469, 31546, 31547, 31548, 31549, 31550, 31551, 31552, 31553, 31554, 31555, 31556, 31557, 31558, 31559, 32038, 32039, 32040, 32367, 33525, 34620, 34621, 37348, 37468, 37391, 37398, 38346, 38348, 38350, 38351, 40560, 41561 and 42987.

Application 31469 was filed on May 4, 1977, by Hot Creek Reclamation Co., Inc., to appropriate 10.8 c.f.s. of water from an underground source to irrigate 640 acres of land within all of Section 25, T.5N., R.50E., M.D.B.&M. The point of diversion is described as being within the NE1/4 NW1/4 Section 25, T.5N., R.50E., M.D.B.&M.¹

Application 31546 was filed on May 9, 1977, by Blue Nugget Water Co. to appropriate 5.4 c.f.s. of water from an underground source to irrigate 320 acres of land within the E1/2 Section 7, T.4N., R.51E., M.D.B.&M. The point of diversion is described as being within the NE1/4 SE1/4 Section 7, T.4N., R.51E., M.D.B.&M.¹

Application 31547 was filed on May 9, 1977, by Blue Nugget Water Co. to appropriate 5.4 c.f.s. of water from an underground source to irrigate 320 acres of land within the W1/2 Section 7, T.4N., R.51E., M.D.B.&M. The point of diversion is described as being within the NE1/4 SW1/4 Section 7, T.4N., R.51E., M.D.B.&M.¹

Application 31548 was filed on May 9, 1977, by Blue Nugget Water Co. to appropriate 5.4 c.f.s. of water from an underground source to irrigate 320 acres of land within the W1/2 Section 8, T.4N., R.51E., M.D.B.&M. The point of diversion is described as being within the NE1/4 SW1/4 Section 8, T.4N., R.51E., M.D.B.&M.¹

Application 31549 was filed on May 9, 1977, by Blue Nugget Water Co. to appropriate 5.4 c.f.s. of water from an underground source to irrigate 320 acres of land within the E1/2 Section 8, T.4N., R.51E., M.D.B.&M. The point of diversion is described as being within the NE1/4 SE1/4 Section 8, T.4N., R.51E., M.D.B.&M.¹

Application 31550 was filed on May 9, 1977, by Blue Nugget Water Co. to appropriate 5.4 c.f.s. of water from an underground source to irrigate 320 acres of land within the S1/2 Section 20, T.4N., R.51E., M.D.B.&M. The point of diversion is described as being within the NW1/4 SE1/4 Section 20, T.4N., R.51E., M.D.B.&M.¹

Application 31551 was filed on May 9, 1977, by Blue Nugget Water Co. to appropriate 5.4 c.f.s. of water from an underground source to irrigate 320 acres of land within the N1/2 Section 19, T.4N., R.51E., M.D.B.&M. The point of diversion is described as being within the NW1/4 NE1/4 Section 19, T.4N., R.51E., M.D.B.&M.¹

Application 31552 was filed on May 9, 1977, by Blue Nugget Water Co. to appropriate 5.4 c.f.s. of water from an underground source to irrigate 320 acres of land within the N1/2 Section 20, T.4N., R.51E., M.D.B.&M. The point of diversion is described as being within the NW1/4 NE1/4 Section 20, T.4N., R.51E., M.D.B.&M.¹

Application 31553 was filed on May 9, 1977, by Blue Nugget Water Co. to appropriate 5.4 c.f.s. of water from an underground source to irrigate 320 acres of land within the W1/2 Section 9, T.4N., R.51E., M.D.B.&M. The point of diversion is described as being within the NE1/4 SW1/4 Section 9, T.4N., R.51E., M.D.B.&M.¹

Application 31554 was filed on May 9, 1977, by Blue Nugget Water Co. to appropriate 5.4 c.f.s. of water from an underground source to irrigate 320 acres of land within the E1/2 Section 9, T.4N., R.51E., M.D.B.&M. The point of diversion is described as being within the NE1/4 SE1/4 Section 9, T.4N., R.51E., M.D.B.&M.¹

Application 31555 was filed on May 9, 1977, by Blue Nugget Water Co. to appropriate 5.4 c.f.s. of water from an underground source to irrigate 320 acres of land within the W1/2 Section 10, T.4N., R.51E., M.D.B.&M. The point of diversion is described as being within the NE1/4 SW1/4 Section 10, T.4N., R.51E., M.D.B.&M.¹

Application 31556 was filed on May 9, 1977, by Blue Nugget Water Co. to appropriate 5.4 c.f.s. of water from an underground source to irrigate 320 acres of land within the N1/2 Section 16, T.4N., R.51E., M.D.B.&M. The point of diversion is described as being within the NW1/4 NE1/4 Section 16, T.4N., R.51E., M.D.B.&M.¹

Application 31557 was filed on May 9, 1977, by Blue Nugget Water Co. to appropriate 5.4 c.f.s. of water from an underground source to irrigate 320 acres of land within the N1/2 Section 15, T.4N., R.51E., M.D.B.&M. The point of diversion is described as being within the NW1/4 NE1/4 Section 15, T.4N., R.51E., M.D.B.&M.¹

Application 31558 was filed on May 9, 1977, by Blue Nugget Water Co. to appropriate 5.4 c.f.s. of water from an underground source to irrigate 320 acres of land within the E1/2 Section 10, T.4N., R.51E., M.D.B.&M. The point of diversion is described as being within the NE1/4 SE1/4 Section 10, T.4N., R.51E., M.D.B.&M.¹

Application 31559 was filed on May 9, 1977, by Blue Nugget Water Co. to appropriate 5.4 c.f.s. of water from an underground source to irrigate 320 acres of land within the S1/2 Section 19, T.4N., R.51E., M.D.B.&M. The point of diversion is described as being within the NW1/4 SE1/4 Section 19, T.4N., R.51E., M.D.B.&M.¹

Application 32038 was filed on June 13, 1977, by Hot Creek Irrigation Co., Inc., to appropriate 10.2 c.f.s. of water from an underground source to irrigate 640 acres of land within all of Section 5, T.4N., R.51E., M.D.B.&M. The point of diversion is described as being within the NW1/4 NE1/4 Section 5, T.4N., R.51E., M.D.B.&M.¹

Application 32039 was filed on June 13, 1977, by Hot Creek Irrigation Co., Inc., to appropriate 10.2 c.f.s. of water from an underground source to irrigate 640 acres of land within all of Section 8, T.4N., R.51E., M.D.B.&M. The point of diversion is described as being within the NW1/4 NE1/4 Section 8, T.4N., R.51E., M.D.B.&M.¹

Application 32040 was filed on June 13, 1977, by Hot Creek Irrigation Co., Inc., to appropriate 10.2 c.f.s. of water from an underground source to irrigate 640 acres of land within all of Section 7, T.4N., R.51E., M.D.B.&M. The point of diversion is described as being within the NE1/4 NW1/4 Section 7, T.4N., R.51E., M.D.B.&M.¹

Application 32367 was filed on June 28, 1977, by Donald Cook to appropriate 2.7 c.f.s. of water from an underground source to irrigate 160 acres of land within the NW1/4 SE1/4, W1/2 NE1/4 and NE1/4 NE1/4 Section 24, T.7N., R.50E., M.D.B.&M. The point of diversion is described as being within the NW1/4 NE1/4 Section 24, T.7N., R.50E., M.D.B.&M.¹

Application 34620 was filed on November 16, 1977, by John T. Titus 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 14; W1/2 SW1/4 Section 13, T.10N., R.51E., M.D.B.&M. The point of diversion is described as being within the SE1/4 NE1/4 Section 14, T.10N., R.51E., M.D.B.&M.¹

Application 34621 was filed on November 16, 1977, by Alice Eleanor Titus to appropriate 2.72 c.f.s. of water from an underground source to irrigate 161.11 acres of land within the SE1/4 SW1/4 Section 36, T.11N., R.51E., M.D.B.&M.; and Lot 1, Lot 2 and N1/2 NE1/4 Section 14, T.10N., R.51E., M.D.B.&M. The point of diversion is described as being within the SE1/4 SW1/4 Section 36, T.11N., R.51E., M.D.B.&M.¹

Application 37348 was filed on March 29, 1979, by Cheri A. Cardenas to appropriate 7.2 c.f.s. of water from an underground source to irrigate 320 acres of land within the S1/2 Section 12, T.4N., R.50E., M.D.B.&M. The point of diversion is described as being within the NE1/4 SW1/4 Section 12, T.4N., R.50E., M.D.B.&M.¹

Application 37391 was filed on March 30, 1979, by Susan L. Fallini to appropriate 5.4 c.f.s. of water from an underground source to irrigate 317 acres of land within the SE1/4 SW1/4, SW1/4 SE1/4 Section 12; NE1/4 NW1/4, NW1/4 NE1/4, SE1/4 NE1/4, NE1/4 SE1/4 Section 13, T.5N., R.50E., M.D.B.&M.; SW1/4 NW1/4, NW1/4 SW1/4 Section 18, T.5N., R.51E., M.D.B.&M. The point of diversion is described as being within the SE1/4 NE1/4 Section 13, T.5N., R.50E., M.D.B.&M.¹

Application 37398 was filed on March 30, 1979, by Helen L. Fallini to appropriate 5.4 c.f.s. of water from an underground source to irrigate 317 acres of land within the S1/2 NW1/4, N1/2 SW1/4, S1/2 SE1/4 Section 13; N1/2 NE1/4 Section 24, T.5N., R.50E., M.D.B.&M. The point of diversion is described as being within the SW1/4 SE1/4 Section 13, T.5N., R.50E., M.D.B.&M.¹

Application 37468 was filed on April 2, 1979, by Raymond K. Jamison and Velva Jamison to appropriate 10.8 c.f.s. of water from an underground source to irrigate 640 acres of land within all of Section 36, T.5N., R.50E., M.D.B.&M. The point of diversion is described as being within the SE1/4 NW1/4 Section 36, T.5N., R.50E., M.D.B.&M.¹

Application 38346 was filed on June 18, 1979, by Jacqueline E. Grimm to appropriate 2.7 c.f.s. of water from an underground source to irrigate 160 acres of land within the E1/2 SW1/4 and W1/2 SE1/4 Section 10, T.7N., R.50E., M.D.B.&M. The point of diversion is described as being within the SW1/4 SE1/4 Section 10, T.7N., R.50E., M.D.B.&M.¹

Application 38348 was filed on June 18, 1979, by Jacqueline E. Grimm to appropriate 2.7 c.f.s. of water from an underground source to irrigate 160 acres of land within the E1/2 NW1/4 and W1/2 NE1/4 Section 15, T.7N., R.50E., M.D.B.&M. The point of diversion is described as being within the SW1/4 NE1/4 Section 15, T.7N., R.50E., M.D.B.&M.¹

Application 38350 was filed on June 18, 1979, by Jack F. Grimm to appropriate 2.7 c.f.s. of water from an underground source to irrigate 160 acres of land within the NE1/4 Section 22, T.7N., R.50E., M.D.B.&M. The point of diversion is described as being within the SE1/4 NE1/4 Section 22, T.7N., R.50E., M.D.B.&M.¹

Application 38351 was filed on June 18, 1979, by Jack F. Grimm to appropriate 2.7 c.f.s. of water from an underground source to irrigate 160 acres of land within the SE1/4 Section 15, T.7N., R.50E., M.D.B.&M. The point of diversion is described as being within the SE1/4 SE1/4 Section 15, T.7N., R.50E., M.D.B.&M.¹

Application 40560 was filed on February 19, 1980, by Ronald W. 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 2, T.4N., R.50E., M.D.B.&M. The point of diversion is described as being within the SW1/4 SW1/4 Section 2, T.4N., R.50E., M.D.B.&M.¹

Application 40561 was filed on February 19, 1980, by Lois L. 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 3, T.4N., R.50E., M.D.B.&M. The point of diversion is described as being within the SW1/4 SW1/4 Section 3, T.4N., R.50E., M.D.B.&M.¹

Application 42987 was filed on December 23, 1980, by Bryan J. Nelson to appropriate 5.4 c.f.s. of water from an underground source to irrigate 320 acres of land within the SE1/4, S1/2 SW1/4 Section 21; N1/2 NW1/4 Section 28, T.4N., R.50E., M.D.B.&M. The point of diversion is described as being within the SE1/4 SW1/4 Section 21, T.4N., R.50E., M.D.B.&M.¹

FINDINGS

I.

Records and information available to the State Engineer indicate that Applications 31464, 31465, 31466, 31467, 31468, 31469, 31546, 31547, 31548, 31549, 31550, 31551, 31552, 31553, 31554, 31555, 31556, 31557, 31558, 31559, 32038, 32039, 32040, 32367, 34620, 34621, 37348, 37468, 37391, 37398, 38346, 38348, 38350, 38351, 40560, 41561 and 42987 were filed in support of Desert Land Entry and Carey Act applications.²

II.

By letter dated December 13, 1984, the United States Department of Interior, Bureau of Land Management, notified the State Engineer that the following Desert Land Entry and Carey Act applications had been closed and the case files are dead.³

<u>BLM ENTRY NO.</u>	<u>NAME</u>	<u>LAND DESCRIPTION</u>
N-22982	Cheri A. Cardenas	T.4N., R.50E., Sec. 12
N-23617	Velva Jamison	T.5N., R.50E., Sec. 36
N-24883	Jacqueline E. Grimm	T.7N., R.50E., Sec's. 10, 15
N-24884	Jack F. Grimm	T.7N., R.50E., Sec's. 15, 22
N-29260	Lois J. Dobson	T.4N., R.50E., Sec. 3
N-29261	Ronald W. Dobson	T.4N., R.50E., Sec. 2
N-31700	Bryan J. Nelson	T.4N., R.50E., Sec's. 21, 28
N-31759	Ernest Thomsen	T.7N., R.51E., Sec's. 24, 25
N-31761	Donald Cook	T.7N., R.50E., Sec. 24
N-31762	Alice E. Titus	T.10N., R.51E., Sec's. 11, 14 T.11N., R.51E., Sec. 36
N-31764	Hot Creek Irrigation Co.	T.4N., R.51E., Sec's. 5, 6, 7, 8
N-31765	Blue Nugget Water Co.	T.4N., R.51E., Sec's. 7, 8, 9, 10, 15, 16, 19, 20
N-31766	Hot Creek Reclamation Co., Inc.	T.5N., R.50E., Sec. 25 T.5N., R.51E., Sec's. 19, 20, 29, 30, 31
N-24032	Susan L. Fallini	T.5N., R.50E., Sec's. 12, 13 T.5N., R.51E., Sec. 18
N-24033	Helen L. Fallini	T.5N., R.50E., Sec's. 13, 24

² Public records in the office of the State Engineer.

³ Public record in the office of the State Engineer under Applications 31464, 31465, 31466, 31467, 31468, 31469, 31546, 31547, 31548, 31549, 31550, 31551, 31552, 31553, 31554, 31555, 31556, 31557, 31558, 31559, 32038, 32039, 32040, 32367, 33525, 34620, 34621, 37348, 37468, 37391, 37398, 38346, 38348, 38350, 38351, 40560, 41561 and 42987.

III.

The applicants under Applications 31464, 31465, 31466, 31467, 31468, 31469, 31546, 31547, 31548, 31549, 31550, 31551, 31552, 31553, 31554, 31555, 31556, 31557, 31558, 31559, 32038, 32039, 32040, 32367, 34620, 34621, 37348, 37468, 37391, 37398, 38346, 38348, 38350, 38351, 40560, 41561 and 42987 do 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.⁴

II.

Applications 31464, 31465, 31466, 31467, 31468, 31469, 31546, 31547, 31548, 31549, 31550, 31551, 31552, 31553, 31554, 31555, 31556, 31557, 31558, 31559, 32038, 32039, 32040, 32367, 34620, 34621, 37348, 37468, 37391, 37398, 38346, 38348, 38350, 38351, 40560, 41561 and 42987 were filed in support of Desert Land Entry and Carey Act applications. The Desert Land Entry and Carey Act 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 31464, 31465, 31466, 31467, 31468, 31469, 31546, 31547, 31548, 31549, 31550, 31551, 31552, 31553, 31554, 31555, 31556, 31557, 31558, 31559, 32038, 32039, 32040, 32367, 34620, 34621, 37348, 37468, 37391, 37398, 38346, 38348, 38350, 38351, 40560, 41561 and 42987 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 1st day of

March, 1985.

⁴ NRS Chapters 533 and 534.