

IN THE OFFICE OF THE STATE ENGINEER

IN THE MATTER OF APPLICATIONS 37347)
AND 37350 FILED TO APPROPRIATE THE)
PUBLIC WATERS FROM AN UNDERGROUND)
SOURCE WITHIN THE HOT CREEK VALLEY)
GROUND WATER BASIN IN NYE COUNTY,)
NEVADA.)

RULING #3188

GENERAL

Application 37347 was filed on March 29, 1979, by Mark I. Clark to appropriate 6.9 c.f.s. of water from an underground source to irrigate 310 acres of land within the E1/2 Section 13, T.4N., R.50E., M.D.B.&M. The point of diversion is described as being within the NW1/4 SE1/4 Section 13, T.4N., R.50E., M.D.B.&M.¹

Application 37350 was filed on March 29, 1979, by Earleen P. Clark to appropriate 7.2 c.f.s. of water from an underground source to irrigate 320 acres of land within the W1/2 Section 13, T.4N., R.50E., M.D.B.&M. The point of diversion is described as being within the NE1/4 SW1/4 Section 13, T.4N., R.50E., M.D.B.&M.¹

FINDINGS

I.

Records and information available to the State Engineer indicate that Applications 37347 and 37350 were filed in support of Desert Land Entry applications.²

II.

By letter dated March 20, 1985 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.³

<u>BLM ENTRY NO.</u>	<u>NAME</u>	<u>LAND DESCRIPTION</u>
N-22981	Mark I. Clark	T.4N., R.50E., Sec. 13
N-22984	Earleen P. Clark	T.4N., R.50E., Sec. 13

¹ Public record in the office of the State Engineer under applications to appropriate 34347 and 37350.

² Public records in the office of the State Engineer.

³ Public record in the office of the State Engineer under Applications 37347 and 37350.

III.

The applicants under Applications 37347 and 37350 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 37347 and 37350 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 37347 and 37350 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 15th day of
May, 1985.

⁴ NRS Chapters 533 and 534.