

IN THE OFFICE OF THE STATE ENGINEER

IN THE MATTER OF APPLICATIONS 34620)
AND 34621 FILED TO APPROPRIATE THE)
PUBLIC WATERS OF AN UNDERGROUND)
SOURCE IN HOT CREEK VALLEY GROUND)
WATER BASIN, NYE COUNTY, NEVADA.)

RULING

GENERAL

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 for irrigation and domestic purposes on 160 acres of land within the SE1/4 NE1/4, NE1/4 SE1/4 and 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 for irrigation and domestic purposes on 161.11 acres of land within the SE1/4 SW1/4 Section 36, T.11N., R.51E., M.D.B.&M., and 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

FINDINGS OF FACT

I.

A ruling dated March 1, 1985, denied Applications 34620 and 34621 "...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".²

II.

The ruling stated that a letter, dated December 13, 1984, from the United States Department of the Interior, Bureau of Land Management, notified the State Engineer that the Carey Act application of Alice E. Titus, N-31762, was "...examined for suitability and the lands were determined to be unsuitable for entry. The case files have been closed on our records".¹

¹ Public record in the office of the State Engineer under Applications 34620 and 34621.

² State Engineer's Ruling No. 3145 dated March 1, 1985, public record in the office of the State Engineer.

III.

A letter dated August 16, 1984, stated that "...Carey Act Application No's. 0314 and 0320..." (State Lands file numbers), had been cancelled. The letter requested that Applications 34620 and 34621 remain active for Desert Land Entry Application No. N-39900 which was filed on the same place of use as the cancelled Carey Act applications.¹

IV.

A letter dated July 23, 1985, from the United States Department of the Interior, Bureau of Land Management, stated that the land under Desert Land Entry Application N-39900, described as the W1/2 SW1/4 Section 13; SE1/4 SE1/4 NE1/4, NE1/4 NE1/4 SE1/4 Section 14; E1/2 NW1/4 NW1/4, NW1/4 NW1/4 NW1/4, E1/2 SW1/4 NW1/4, W1/2 SE1/4 NW1/4 Section 24; all in T.10N., R.51E., M.D.B.&M., under a proposed classification decision, is suitable for entry.¹

CONCLUSIONS

I.

The land described under the place of use under Applications 34620 and 34621 has an active Desert Land Entry application, No. N-39900, on file with the Bureau of Land Management.

II.

The applicants under Applications 34620 and 34621 continue to maintain an active interest in said applications.

III.

The State Engineer has jurisdiction over the approval and rejection of applications.³

³ NRS 533.370.

RULING

The ruling dated March 1, 1985, denying Applications 34620 and 34621, is hereby rescinded. Applications 34620 and 34621 will retain their priority of filing date of November 16, 1977, and will remain in ready for action status pending the final classification decision from the Bureau of Land Management and a final review of ground water availability in Hot Creek Valley by the State of Nevada, Division of Water Resources.

Respectfully submitted,



PETER G. MORROS
State Engineer

PGM/SW/bl

Dated this 14th day of
August, 1985.