

IN THE OFFICE OF THE STATE ENGINEER

IN THE MATTER OF APPLICATIONS 37391)  
AND 37398 FILED TO APPROPRIATE THE)  
PUBLIC WATERS OF AN UNDERGROUND)  
SOURCE IN HOT CREEK VALLEY GROUND)  
WATER BASIN, NYE COUNTY, NEVADA. )

RULING

GENERAL

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 for irrigation purposes on 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.<sup>1</sup>

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 for irrigation purposes on 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.<sup>1</sup>

FINDINGS OF FACT

I.

A ruling dated March 1, 1985, denied Applications 37391 and 37398 "...on the grounds that to grant the application 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".<sup>2</sup>

II.

The ruling dated March 1, 1985, stated that a letter dated December 13, 1984, from the United States Department of Interior, Bureau of Land Management, notified the State Engineer that the Desert Land Entry applications of Susan L. Fallini and Helen L. Fallini, N-24032 and N-24033, respectively, were no longer active and their case files were dead.<sup>2</sup>

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<sup>1</sup> Public record in the office of the State Engineer under Application 37391 and 37398.

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

III.

A review of the letter referred to in Finding II noted that the Desert Land Entry applications were no longer active and the case files dead since the lands described in the places of use under Applications 37391 and 37398 were transferred to the Fallini family by public sale on October 17, 1984.<sup>1</sup>

CONCLUSIONS

I.

The lands described under the places of use in Applications 37391 and 37398 are under private ownership.

II.

The State Engineer shall observe, as the first priority, applications to appropriate by an owner of land for beneficial use on that land.<sup>3</sup>

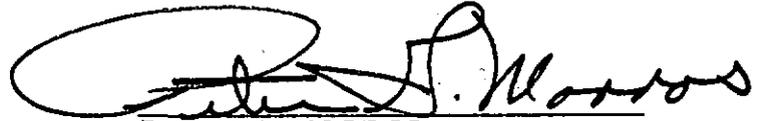
III.

The State Engineer has jurisdiction over the approval and rejection of applications.<sup>4</sup>

RULING

The ruling dated March 1, 1985, denying Applications 37391 and 37398 is hereby rescinded. Applications 37391 and 37398 will be granted upon the receipt of the statutory permit fees.

Respectfully submitted,



PETER G. MORROS  
State Engineer

PGM/HR/bl

Dated this 17th day of  
April, 1985.

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<sup>3</sup> NRS 533.357(1).

<sup>4</sup> NRS 533.370.