

IN THE OFFICE OF THE STATE ENGINEER

IN THE MATTER OF APPLICATIONS 38352 )  
AND 38353 FILED TO APPROPRIATE THE )  
PUBLIC WATERS FROM AN UNDERGROUND )  
SOURCE WITHIN THE HOT CREEK VALLEY )  
GROUND WATER BASIN IN NYE COUNTY, )  
NEVADA. )

RULING # 304/

GENERAL

Application 38352 was filed on June 18, 1979, by Georgia Erickson to appropriate 2.7 c.f.s. of water from an underground source to irrigate 160 acres of land within the E1/2 NE1/4 Section 27 and W1/2 NW1/4 Section 26, T.7N., R.50E., M.D.B.&M. The point of diversion is described as being within the SW1/4 NW1/4 Section 26, T.7N., R.50E., M.D.B.&M.<sup>1</sup>

Application 38353 was filed on June 18, 1979, by Georgia Erickson to appropriate 2.7 c.f.s. of water from an underground source to irrigate 160 acres of land within the E1/2 SE1/4 Section 22 and W1/2 SW1/4 Section 23, T.7N., R.50E., M.D.B.&M. The point of diversion is described as being within the SW1/4 SW1/4 Section 23, T.7N., R.50E., M.D.B.&M.<sup>1</sup>

FINDINGS

I.

Records and information available to the State Engineer indicate that Applications 38352 and 38353 were filed in support of Desert Land Entry applications.<sup>2</sup>

II.

By letter dated November 25, 1981, 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.<sup>3</sup>

<u>BLM ENTRY NO.</u>	<u>NAME</u>	<u>LAND DESCRIPTION</u>
N-24942	Georgia Erickson	T.7N., R.50E., Sec's. 22, 23, 26 and 27.

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<sup>1</sup> Public record in the office of the State Engineer under applications to appropriate 38352 and 38353.

<sup>2</sup> Public records in the office of the State Engineer.

<sup>3</sup> Public record in the office of the State Engineer under Applications 38352 and 38353.

III.

The applicants under Applications 38352 and 38353 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.<sup>4</sup>

II.

Applications 38352 and 38353 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.

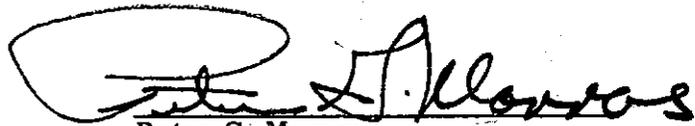
III.

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 38352 and 38353 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/b1

Dated this 28th day of  
SEPTEMBER, 1984.

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4 NRS Chapters 533 and 534.