

IN THE OFFICE OF THE STATE ENGINEER
IN THE STATE OF NEVADA

IN THE MATTER OF APPLICATIONS 34620,)
38347, 38349 AND 49370 FILED TO)
APPROPRIATE THE PUBLIC WATERS FROM)
AN UNDERGROUND SOURCE WITHIN THE HOT)
CREEK VALLEY GROUND WATER BASIN IN)
NYE COUNTY, NEVADA.)

RULING

#3821

GENERAL

I.

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 E1/2 SE1/4 Section 14, and W1/2 SW1/4 Section 13, all located within 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 38347 was filed on June 18, 1979, by Jacqueline E. Grimm to appropriate 5.4 c.f.s. of water from Keystone Mine to irrigate 320 acres of land within the E1/2 SW1/4 and W1/2 SE1/4 Section 10; E1/2 NW1/4 and W1/2 NE1/4 Section 15, all located within T.7N., R.50E., M.D.B.&M. The point of diversion is described as being within the NW1/4 SW1/4 Section 20, T.7N., R.50E., M.D.B.&M.¹

Application 38349 was filed on June 18, 1979, by Jack F. Grimm to appropriate 5.4 c.f.s. of water from Keystone Mine to irrigate 320 acres of land within the SE1/4 Section 15 and NE1/4 Section 22 all located within T.7N., R.50E., M.D.B.&M. The point of diversion is described as being within the NW1/4 SW1/4 Section 20, T.7N., R.50E., M.D.B.&M.¹

Application 49370 was filed on September 6, 1985, by John T. Titus to change the place of use of 2.7 c.f.s. a portion of water heretofore requested under Application 34620. The proposed use is for irrigation of 170 acres within the SE1/4 SE1/4 NE1/4, NE1/4 NE1/4 SE1/4 of Section 14; W1/2 SW1/4 Section 13; NW1/4

¹ Public record in the office of the State Engineer

NW1/4 NW1/4, E1/2 NW1/4 NW1/4, E1/2 SW1/4 NW1/4 and W1/2 SE1/4 NW1/4 Section 24; all located within T.10N., R.51E., M.D.B.&M. The proposed point of diversion is described as being within the SE1/4 NE1/4 Section 14, T.10N., R.51E., M.D.B.&M.¹

FINDINGS OF FACT

I.

Records and information available to the State Engineer indicate that Applications 34620, 38347, 38349 and 49370 were filed in support of Desert Land Entry applications.²

II.

By letter dated July 1, 1991, 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.²

<u>BLM ENTRY NO.</u>	<u>NAME</u>	<u>LAND DESCRIPTION</u>
N-24883	Jacqueline E. Grimm	T.7N., R.50E., Sec. 10, 15
N-24884	Jack F. Grimm	T.7N., R.50E., Sec. 15, 22
N-39900	John T. Titus	T.10N., R.51E., Sec. 13, 14, 24

III.

The State Engineer finds that the applicants under Applications 34620, 38347, 38349 and 49370 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.³

² Public record in the office of the State Engineer filed under Applications 34620, 38347, 38349 and 49370.

³ NRS Chapters 533 and 534.

II.

Applications 34620, 38347, 38349 and 49370 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.

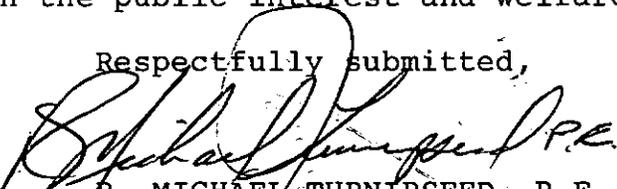
III.

To grant applications to appropriate the public water 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 34620, 38347, 38349 and 49370 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,



R. MICHAEL TURNIPSEED, P.E.
State Engineer

RMT/SW/pm

Dated this 30th day of
July 1991.