

IN THE MATTER OF APPLICATION 24238)
FILED NOVEMBER 24, 1967, BY THOMAS)
H. BROWN TO APPROPRIATE WATER FROM)
AN UNDERGROUND SOURCE IN ELKO)
COUNTY, NEVADA)

R U L I N G

GENERAL:

Application 24238 was filed November 24, 1967, by Thomas H. Brown for permission to appropriate 5.4 cfs of water from an underground source for irrigation (322.76 acres) and domestic purposes. The point of diversion is described as within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 3, T32N., R64E., MDB&M. The place of use is described as within the W $\frac{1}{2}$ Section 3, T32N., R64E., MDB&M.

This application was filed in support of Desert Land Entry Nev. 061737. Notice received January 31, 1968, from the United States Department of Interior, Bureau of Land Management, Nevada Land Office, Reno, Nevada, advised this office that Desert Land Entry 061737 was cancelled and closed. In a letter dated April 17, 1968, from Ellis R. Ferguson, Attorney at Law, agent for the applicant, it was requested that action of this application be withheld pending the outcome of a Public Land Sale Application for this land, made to the Department of Interior, Bureau of Land Management. The Bureau of Land Management, Nevada Land Office was contacted by letter dated April 19, 1968, requesting information regarding the above described Land Sale Application, and reply dated April 29, 1968, indicated that the Land Sale Application should not be granted. However, a review by the District Manager of the Bureau of Land Management for the Reno Office has been requested. A letter dated July 5, 1968, from the Bureau of Land Management, Elko District Office states that this review is one of a large number of backlog cases that require investigative work before a decision can be made. Preliminary findings indicate that the highest and best use for these lands is grazing, and that favorable decision for disposal by Public Land Sale for agricultural purposes is not likely.

OPINION:

It is the opinion of this office that the approval of Application 24237 or the withholding of action for an indefinite period of time pending the outcome of the Public Land Sale Review and subsequent prolonging of a priority based on this situation would not be in the best public interest and would be detrimental to the public welfare.

RULING

Application 24238 is herewith denied on the grounds that the applicant does not own or control the ground on which the applicant plans to place the water to beneficial use and that the granting of this application would be detrimental to the public welfare.

Respectfully submitted,


Roland D. Westergard
State Engineer

RDW:RRD:dc

Dated this 1st day
of August, 1968.