

IN THE OFFICE OF THE STATE ENGINEER

IN THE MATTER OF APPLICATIONS 47657)
AND 47732 FILED TO APPROPRIATE THE)
PUBLIC WATERS FROM AN UNDERGROUND)
SOURCE WITHIN THE GOSHUTE VALLEY)
GROUND WATER BASIN IN ELKO COUNTY,)
NEVADA.)

RULING

GENERAL

Application 47657 was filed on February 6, 1984, by Robert Kenny to appropriate 3.0 acre-feet of water from an underground source to irrigate 320 acres of land within the W1/2 Section 4, T.36N., R.66E., M.D.B.&M. The point of diversion is described as being at the well head.¹

Application 47732 was filed on February 27, 1984, by Mrs. Thelma Overby to appropriate 3.5 feet of water from an underground source to irrigate 315 acres of land within the E1/2 Section 34, T.36N., R.67E., M.D.B.&M. The point of diversion is described as being within the SW1/4 NE1/4 and NE1/4 SE1/4 Section 34, T.36N., R.67E., M.D.B.&M.¹

FINDINGS

I.

Records and information available to the State Engineer indicate that Applications 47657 and 47732 were filed in support of Desert Land Entry applications.²

II.

By letter dated August 24, 1984, the United States Department of Interior, Bureau of Land Management, notified the State Engineer that the following Desert Land Entry Application had been closed and the case file is dead under Application 47732 and no Desert Land Entry application had been filed under Application 47657.³

<u>BLM ENTRY NO.</u>	<u>NAME</u>	<u>LAND DESCRIPTION</u>
N-38831	Thelma Overby	T.36N., R.66E., Sec. 4

¹ Public record in the office of the State Engineer under applications to appropriate 47657 and 47732.

² Public records in the office of the State Engineer.

³ Public record in the office of the State Engineer under Applications 47657 and 47732.

III.

The applicants under Applications 47657 and 47732 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.⁴

II.

Applications 47732 was filed in support of a Desert Land Entry application. Application 47657 was filed on land owned and controlled by the United States Department of Interior, Bureau of Land Management. The Desert Land Entry application 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 47657 and 47732 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/bl

Dated this 28th day of

February, 1985.

⁴ NRS Chapters 533 and 534.