

IN THE MATTER OF APPLICATIONS 39736 )  
AND 39737 FILED TO APPROPRIATE THE )  
PUBLIC WATERS FROM AN UNDERGROUND )  
SOURCE WITHIN THE GOSHUTE VALLEY )  
GROUND WATER BASIN IN ELKO COUNTY, )  
NEVADA. )

RULING

GENERAL

Application 39736<sup>1</sup> was filed on November 20, 1979, by Judy E. Edmonds to appropriate 5.4 c.f.s. of water from an underground source to irrigate 320 acres of land within the W1/2 Section 15, T.33N., R.66E., M.D.B.&M. The point of diversion is described as being within the SE1/4 NW1/4 Section 15, T.33N., R.66E., M.D.B.&M.

Application 39737<sup>1</sup> was filed on November 20, 1979, by Mary E. Ross to appropriate 5.4 c.f.s. of water from an underground source to irrigate 320 acres of land within the E1/2 Section 15, T.33N., R.66E., M.D.B.&M. The point of diversion is described as being within the SE1/4 NE1/4 Section 15, T.33N., R.66E., M.D.B.&M.

FINDINGS

I.

A timely protest<sup>2</sup> to granting of Applications 39736 and 39737 was filed on August 14, 1980, by Robert J. Beaumont.

II.

Records and information<sup>3</sup> available to the State Engineer indicate that Applications 39736 and 39737 were filed in support of Desert Land Entry applications.

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<sup>1</sup> Public record in the office of the State Engineer under applications to appropriate 39736 and 39737.

<sup>2</sup> Public record in the office of the State Engineer under applications to appropriate 39736 and 39737.

<sup>3</sup> Public records in the office of the State Engineer.

III.

By letter<sup>4</sup> dated December 9, 1983, 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.

<u>BLM ENTRY NO.</u>	<u>NAME</u>	<u>LAND DESCRIPTION</u>
N-24259	Mary Ross	T.33N., R.66E., Sec. 15
N-24272	Judy Edmonds	T.33N., R.66E., Sec. 15

IV.

The applicants under Applications 39736 and 39737 do not own or control the land described under the place of use of the applications.

CONCLUSIONS

I.

The State Engineer has jurisdiction<sup>5</sup> over the matter described herein.

II.

Applications 39736 and 39737 were filed in support of Desert Land Entries. The Desert Land Entry applications described under III 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.

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<sup>4</sup> Public record in the office of the State Engineer under Applications 39736 and 39737.

<sup>5</sup> NRS Chapters 533 and 534.

RULING

Applications 39736 and 39737 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/BD/bl

Dated this 5th day of  
MARCH, 1984.