

IN THE MATTER OF APPLICATION 39792 )  
FILED TO APPROPRIATE THE PUBLIC )  
WATERS FROM AN UNDERGROUND SOURCE )  
WITHIN THE GOSHUTE VALLEY GROUND )  
WATER BASIN IN ELKO COUNTY, NEVADA. )

RULING

GENERAL

Application 39792<sup>1</sup> was filed on November 21, 1979, by Brian Freckleton to appropriate 7.4 c.f.s. of water from an underground source to irrigate 320 acres of land within the S1/2 Section 11, T.33N., R.66E., M.D.B.&M. The point of diversion is described as being within the SE1/4 SW1/4 Section 11, T.33N., R.66E., M.D.B.&M.

FINDINGS

I.

A timely protest<sup>2</sup> to granting of Application 39792 was filed by Robert J. Beaumont.

II.

Records and information<sup>3</sup> available to the State Engineer indicate that Application 39792 was filed in support of Desert Land Entry application.

III.

By letter<sup>4</sup> dated March 14, 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.

<u>BLM ENTRY NO.</u>	<u>NAME</u>	<u>LAND DESCRIPTION</u>
N-27000	Brian K. Freckleton	T.33N., R.66E., Sec. 11

-----  
<sup>1</sup> Public record in the office of the State Engineer under application to appropriate 39792.

<sup>2</sup> Public record in the office of the State Engineer under application to appropriate 39792.

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

<sup>4</sup> Public record in the office of the State Engineer under Application 39792.

IV.

The applicant under Application 39792 does not own or control the land described under the place of use of the application.

CONCLUSIONS

I.

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

II.

Application 39792 was filed in support of Desert Land Entry. The Desert Land Entry application described under III of Findings has been closed on the records of the Bureau of Land Management, therefore, the applicant does not own or control the land described under the place of use of the application and cannot demonstrate the ability to place the water to beneficial use.

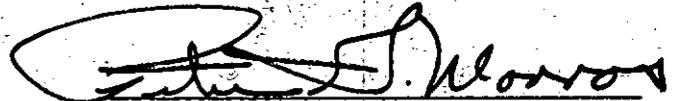
III.

To grant application 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

Application 39792 is herewith denied on the grounds that to grant the application 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 27th day of  
MARCH, 1984.

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