

IN THE MATTER OF APPLICATIONS 38817 )  
THROUGH 38830, INCLUSIVE, AND 39645 )  
FILED TO APPROPRIATE THE PUBLIC )  
WATERS FROM AN UNDERGROUND SOURCE )  
WITHIN THE GOSHUTE VALLEY GROUND )  
WATER BASIN IN ELKO COUNTY, NEVADA. )

RULING

GENERAL

Application 38817<sup>1</sup> was filed on August 16, 1979, by Charmayne Sorensen to appropriate 5.4 c.f.s. of water from an underground source to irrigate 320 acres of land within the N1/2 Section 28, T.38N., R.67E., M.D.B.&M. The point of diversion is described as being within the NE1/4 NW1/4 Section 28, T.36N., R.67E., M.D.B.&M.

Application 38818<sup>1</sup> was filed on August 16, 1979, by Charmayne Sorensen to appropriate 5.4 c.f.s. of water from an underground source to irrigate 320 acres of land within the N1/2 Section 28, T.36N., R.67E., M.D.B.&M. The point of diversion is described as being within the NE1/4 NE1/4 Section 28, T.36N., R.67E., M.D.B.&M.

Application 38819<sup>1</sup> was filed on August 16, 1979, by Scott Sorensen to appropriate 5.4 c.f.s. of water from an underground source to irrigate 320 acres of land within the S1/2 Section 28, T.36N., R.67E., M.D.B.&M. The point of diversion is described as being within the NW1/4 SW1/4 Section 28, T.36N., R.67E., M.D.B.&M.

Application 38820<sup>1</sup> was filed on August 16, 1979, by Scott Sorensen to appropriate 5.4 c.f.s. of water from an underground source to irrigate 320 acres of land within the S1/2 Section 28, T.36N., R.67E., M.D.B.&M. The point of diversion is described as being within the NE1/4 SE1/4 Section 28, T.36N., R.67E., M.D.B.&M.

Application 38821<sup>1</sup> was filed on August 16, 1979, by Mary Lou Fernandez to appropriate 5.4 c.f.s. of water from an underground source to irrigate 320 acres of land within the N1/2 Section 12, T.35N., R.67E., M.D.B.&M. The point of diversion is described as being within the NE1/4 NE1/4 Section 12, T.35N., R.67E., M.D.B.&M.

Application 38822<sup>1</sup> was filed on August 16, 1979, by Mary Lou Fernandez to appropriate 5.4 c.f.s. of water from an underground source to irrigate 320 acres of land within the N1/2 Section 12, T.35N., R.67E., M.D.B.&M. The point of diversion is described as being within the NW1/4 NE1/4 Section 12, T.35N., R.67E., M.D.B.&M.

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<sup>1</sup> Public record in the office of the State Engineer under applications to appropriate 38817 through 38830, inclusive, and 39645.

Application 38823<sup>1</sup> was filed on August 16, 1979, by J.H. Fernandez to appropriate 5.4 c.f.s. of water from an underground source to irrigate 320 acres of land within the S1/2 Section 12, T.35N., R.67E., M.D.B.&M. The point of diversion is described as being within the SW1/4 SW1/4 Section 12, T.35N., R.67E., M.D.B.&M.

Application 38824<sup>1</sup> was filed on August 16, 1979, by J.H. Fernandez to appropriate 5.4 c.f.s. of water from an underground source to irrigate 320 acres of land within the S1/2 Section 12, T.35N., R.67E., M.D.B.&M. The point of diversion is described as being within the NE1/4 SW1/4 Section 12, T.35N., R.67E., M.D.B.&M.

Application 38825<sup>1</sup> was filed on August 16, 1979, by Clara L. Miller to appropriate 5.4 c.f.s. of water from an underground source to irrigate 320 acres of land within the S1/2 Section 34, T.36N., R.67E., M.D.B.&M. The point of diversion is described as being within the NW1/4 SW1/4 Section 34, T.36N., R.67E., M.D.B.&M.

Application 38826<sup>1</sup> was filed on August 16, 1979, by Clara L. Miller to appropriate 5.4 c.f.s. of water from an underground source to irrigate 320 acres of land within the S1/2 Section 34, T.36N., R.67E., M.D.B.&M. The point of diversion is described as being within the NW1/4 SE1/4 Section 34, T.36N., R.67E., M.D.B.&M.

Application 38827<sup>1</sup> was filed on August 16, 1979, by Carroll J. Merritt to appropriate 5.4 c.f.s. of water from an underground source to irrigate 320 acres of land within the N1/2 Section 34, T.36N., R.67E., M.D.B.&M. The point of diversion is described as being within the NW1/4 NE1/4 Section 34, T.36N., R.67E., M.D.B.&M.

Application 38828<sup>1</sup> was filed on August 16, 1979, by Carroll J. Merritt to appropriate 5.4 c.f.s. of water from an underground source to irrigate 320 acres of land within the N1/2 Section 34, T.36N., R.67E., M.D.B.&M. The point of diversion is described as being within the NE1/4 NW1/4 Section 34, T.36N., R.67E., M.D.B.&M.

Application 38829<sup>1</sup> was filed on August 16, 1979, by Ila Hildebrand to appropriate 5.4 c.f.s. of water from an underground source to irrigate 320 acres of land within the SW1/4 Section 2 and SE1/4 Section 3, T.35N., R.67E., M.D.B.&M. The point of diversion is described as being within the NW1/4 SW1/4 Section 2, T.35N., R.67E., M.D.B.&M.

Application 38830<sup>1</sup> was filed on August 16, 1979, by Ila Hildebrand to appropriate 5.4 c.f.s. of water from an underground source to irrigate 320 acres of land within the SW1/4 Section 2 and SE1/4 Section 3, T.35N., R.67E., M.D.B.&M. The point of diversion is described as being within the NE1/4 SE1/4 Section 3, T.35N., R.67E., M.D.B.&M.

Application 39645<sup>1</sup> was filed on November 15, 1979, by Patrick Von McAllister, Jr. to appropriate 7.4 c.f.s. of water from an underground source to irrigate 320 acres of land within the W1/2 Section 35, T.31N., R.66E., M.D.B.&M. The point of diversion is described as being within the SE1/4 NW1/4 Section 35, T.31N., R.66E., M.D.B.&M.

### FINDINGS

#### I.

A timely protest<sup>2</sup> to granting of Applications 38817 through 38829 was filed by the Bureau of Land Management and a timely protest to granting of Applications 38817 through 38830 was filed by the Big Springs Ranch.

#### II.

Records and information<sup>3</sup> available to the State Engineer indicate that Applications 38817 through 38830, inclusive, and 39645 were filed in support of Desert Land Entry applications.

#### III.

By letter<sup>4</sup> dated March 19, 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 was dead.

<u>BLM ENTRY NO.</u>	<u>NAME</u>	<u>DATE REJECTED</u>
N-26887	Patrick Von McCallister	February 21, 1980

<sup>2</sup> Public record in the office of the State Engineer under applications to appropriate 38817 through 38830, inclusive, and 39645.

<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 Applications 38817 through 38838, inclusive, and 39645.

By the same letter, it was stated that the following individuals, listed below, do not have a Desert Land Entry Application on file with the Bureau of Land Management.

Charmayne Sorensen  
Scott Sorensen  
Mary Lou Fernandez  
J. H. Fernandez

Clara J. Miller  
Carroll J. Merritt  
Ila Hildebrand

IV.

The applicants under Applications 38817 through 38830, inclusive, and 39645 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 38817 through 38830 , inclusive, and 39645 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>5</sup> NRS Chapters 533 and 534.

RULING

Applications 38817 through 38830, inclusive, and 39645 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 4th day of  
APRIL, 1984.