

IN THE MATTER OF APPLICATIONS)
39783, 39784, 39789, 39790, 39791,)
39793, 39794, 39795, 39823, 39824,)
39825, 39827 AND 39828 FILED TO)
APPROPRIATE THE PUBLIC WATERS FROM)
AN UNDERGROUND SOURCE WITHIN THE)
GOSHUTE VALLEY GROUND WATER BASIN)
IN ELKO COUNTY, NEVADA.)

RULING

GENERAL

Application 39783¹ was filed on November 21, 1979, by Ronald W. Haslam to appropriate 7.4 c.f.s. of water from an underground source to irrigate 320 acres of land within the N1/2 Section 10, T.33N., R.66E., M.D.B.&M. The point of diversion is described as being within the SE1/4 NW1/4 Section 10, T.33N., R.66E., M.D.B.&M.

Application 39784¹ was filed on November 21, 1979 by Leon Livingston to appropriate 7.4 c.f.s. of water from an underground source to irrigate 320 acres of land within the S1/2 Section 9, T.33N., R.66E., M.D.B.&M. The point of diversion is described as being within the SE1/4 SW1/4 Section 9, T.33N., R.66E., M.D.B.&M.

Application 39789¹ was filed on November 21, 1979 by Wayleen 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 4, T.33N., R.66E., M.D.B.&M. The point of diversion is described as being within the SE1/4 SW1/4 Section 4, T.33N., R.66E., M.D.B.&M.

Application 39790¹ was filed on November 21, 1979 by Aileen 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 3, T.33N., R.66E., M.D.B.&M. The point of diversion is described as being within the SE1/4 SW1/4 Section 3, T.33N., R.66E., M.D.B.&M.

Application 39791¹ was filed on November 21, 1979 by Wayne B. Freckleton to appropriate 7.4 c.f.s. of water from an underground source to irrigate 320 acres of land within the N1/2 Section 3, T.33N., R.66E., M.D.B.&M. The point of diversion is described as being within the SE1/4 NW1/4 Section 3, T.33N., R.66E., M.D.B.&M.

Application 39793¹ was filed on November 21, 1979 by K.B. Freckleton to appropriate 7.4 c.f.s. of water from an underground source to irrigate 320 acres of land within the N1/2 Section 11, T.33N., R.66E., M.D.B.&M. The point of diversion is described as being within the SE1/4 NW1/4 Section 11, T.33N., R.66E., M.D.B.&M.

¹ Public records in the office of the State Engineer under applications to appropriate 39783, 39784, 39789, 39790, 39791, 39793, 39794, 39795, 39823, 39824, 39825, 39827 and 39828.

Application 39794¹ was filed on November 21, 1979 by Pam 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 2, T.33N., R.66E., M.D.B.&M. The point of diversion is described as being within the SE1/4 SW1/4 Section 2, T.33N., R.66E., M.D.B.&M.

Application 39795¹ was filed on November 21, 1979 by Ernie Freckleton to appropriate 7.4 c.f.s. of water from an underground source to irrigate 320 acres of land within the N1/2 Section 2, T.33N., R.66E., M.D.B.&M. The point of diversion is described as being within the SE1/4 NW1/4 Section 2, T.33N., R.66E., M.D.B.&M.

Application 39823¹ was filed on November 23, 1979 by Marianne Soderborg to appropriate 7.4 c.f.s. of water from an underground source to irrigate 320 acres of land within the N1/2 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 39824¹ was filed on November 23, 1979 by Marjean D. Toone to appropriate 7.4 c.f.s. of water from an underground source to irrigate 320 acres of land within the S1/2 Section 17, T.33N., R.66E., M.D.B.&M. The point of diversion is described as being within the SE1/4 SW1/4 Section 17, T.33N., R.66E., M.D.B.&M.

Application 39825¹ was filed on November 23, 1979 by Janice A. Freckleton to appropriate 7.4 c.f.s. of water from an underground source to irrigate 320 acres of land within the N1/2 Section 17, T.33N., R.66E., M.D.B.&M. The point of diversion is described as being within the SE1/4 NW1/4 Section 17, T.33N., R.66E., M.D.B.&M.

Application 39827¹ was filed on November 23, 1979 by Lucy F. Christensen to appropriate 7.4 c.f.s. of water from an underground source to irrigate 320 acres of land within the S1/2 Section 15, T.33N., R.66E., M.D.B.&M. The point of diversion is described as being within the SE1/4 SW1/4 Section 15, T.33N., R.66E., M.D.B.&M.

Application 39828¹ was filed on November 23, 1979 by Vera F. Day to appropriate 7.4 c.f.s. of water from an underground source to irrigate 320 acres of land within the N1/2 Section 16, T.33N., R.66E., M.D.B.&M. The point of diversion is described as being within the SE1/4 NW1/4 Section 16, T.33N., R.66E., M.D.B.&M.

FINDINGS

I.

A timely Protest² to granting of Applications 39793, 39794, 39795, 39823, 39827 and 39828 was filed by Robert J. Beaumont.

II.

Records and information³ available to the State Engineer indicate that Applications 39783, 39784, 39789, 39790, 39791, 39793, 39794, 39795, 39823, 39824, 39825, 39827 and 39828 were filed in support of Desert Land Entry applications.

III.

By letter⁴ dated September 22, 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-26995	Leon Livingston	T.33N., R.66E., Sec. 9
N-26996	Ronald W. Haslam	T.33N., R.66E., Sec. 10
N-27003	Wayleen Freckleton	T.33N., R.66E., Sec. 4
N-27004	Aileen Freckleton	T.33N., R.66E., Sec. 3
N-27005	Wayne B. Freckleton	T.33N., R.66E., Sec. 3
N-27006	K.B. Freckleton	T.33N., R.66E., Sec. 11
N-27007	Pam Freckleton	T.33N., R.66E., Sec. 2
N-27008	Ernie Freckleton	T.33N., R.66E., Sec. 2
N-27148	Vera F. Day	T.33N., R.66E., Sec. 16
N-27150	Marjean D. Toone	T.33N., R.66E., Sec. 17
N-27151	Janice D. Freckleton	T.33N., R.66E., Sec. 17
N-27152	Lucy F. Christensen	T.33N., R.66E., Sec. 15
N-27153	Marianne Soderborg	T.33N., R.66E., Sec. 15

IV.

The applicants under Applications 39783, 39784, 39789, 39790, 39791, 39793, 39794, 39795, 39823, 39824, 39825, 39827 and

² Public record in the office of the State Engineer under applications to appropriate 39793, 39794, 39795, 39823, 39827 and 39828.

³ Public records in the office of the State Engineer.

⁴ Public record in the office of the State Engineer under Applications 39783, 39784, 39789, 39790, 39791, 39793, 39794, 39795, 39823, 39824, 39825, 39827 and 39828.

39828 do not own or control the land described under the place of use of the applications.

CONCLUSIONS

I.

The State Engineer has jurisdiction⁵ over the matter described herein.

II.

Applications 39783, 39784, 39789, 39790, 39791, 39793, 39794, 39795, 39823, 39824, 39825, 39827 and 39828 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.

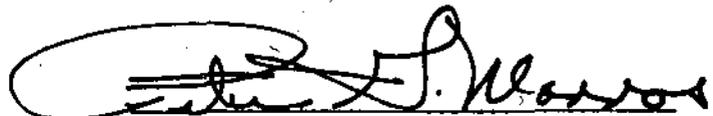
III.

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.

RULING

Applications 39783, 39784, 39789, 39790, 39791, 39793, 39794, 39795, 39823, 39824, 39825, 39827 and 39828 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 23rd day of
February, 1984.

⁵ NRS Chapters 533 and 534