

IN THE MATTER OF APPLICATION NO.)
19580 FILED FEBRUARY 20, 1961 BY)
MARIE C. COLLINGWOOD TO APPROPRIATE)
WATER FROM AN UNDERGROUND SOURCE IN)
EUREKA COUNTY, NEVADA.)

R U L I N G

GENERAL:

53
Application No. 19580 was filed February 20, 1961 by Marie C. Collingwood for permission to appropriate 5.4 c.f.s. of water from an underground source for irrigation (291.6 acres) and domestic purposes. The point of diversion is described within Lot 7 of the SE $\frac{1}{4}$ Section 32, T. 20 N., R. 53 E., M.D.B.&M. The place of use is described as within Lots 1, 2, 6, 7, 8, 13 and 14 of Section 32, T. 20 N., R. 53 E., M.D.B.&M. A protest to the granting of Application No. 19580 was filed March 5, 1962 by the Ruby Hill Mining Company.

Application No. 19580 was made to the Division of Water Resources to support Desert Land Entry application number Nevada 048242 filed with the U. S. Department of the Interior, Bureau of Land Management, Nevada Land Office, Reno, Nevada. A notice dated February 24, 1964 was received February 28, 1964 advising this office that Desert Land Entry Nevada 048242 in the name of Marie C. Collingwood was rejected and closed. In response to an inquiry by telephone the Nevada Land Office verified the notice of February 24, 1964 and informed this office that the lands proposed to be irrigated under Application No. 19580 were vacant as of November 22, 1967.

The results of a hydrologic reconnaissance by the U.S. Geological Survey and an abstract of existing water rights by the Division of Water Resources indicates the subsurface reservoir of Diamond Valley to be substantially over-allocated.

OPINION:

It is the opinion of this office that the granting of Application No. 19580 to irrigate land that is not owned or controlled by the applicant in an area where the approved Appropriations exceed the total quantity of water available would tend to impair the value of existing rights and would be detrimental to the public welfare.

RULING:

Application No. 19580 is herewith denied on the grounds that the applicant does not own or control the lands

on which the applicant plans to place the water to beneficial use and that the granting of this application would impair the value of existing water rights in the area and would otherwise be detrimental to the public welfare.

Respectfully submitted,


Roland D. Westergard
State Engineer

RDW:WJN:m

Dates this 27th Day of
November, 1967.