

IN THE MATTER OF APPLICATIONS 20385 AND 20386)  
FILED ON APRIL 2, 1962 AND 20917 FILED ON )  
DECEMBER 31, 1962 BY ANNIE MAE FISHER TO APP-)  
ROPRIATE WATER FROM AN UNDERGROUND SOURCE FOR)  
IRRIGATION AND DOMESTIC PURPOSES IN DIAMOND )  
VALLEY, EUREKA COUNTY, NEVADA )

R U L I N G

General:

Applications 20385 and 20386 were filed on April 2, 1962 and Application 20917 was filed December 31, 1962 by Annie Mae Fisher to appropriate water from an underground source in support of Desert Land Entry Nev-056494 in Diamond Valley, Eureka County, Nevada. The place of use under Application 20385 is 160 acres within SW $\frac{1}{4}$  Section 16, T. 20 N., R. 53 E., M.D.B. & M.; under Application 20386 it is 160 acres within NW $\frac{1}{4}$  Section 9, T. 20 N., R. 53 E., and under Application 20917 it is 160 acres within NE $\frac{1}{4}$  Section 9, T. 20 N., R. 53 E., M.D. B. & M. The lands included under Desert Land Entry 056494 are NE $\frac{1}{4}$  Section 9 and SW $\frac{1}{4}$  Section 16, T. 20 N., R. 53 E., M.D.B. & M. Correspondence indicates Application 20917 was to replace 20386 because the application erroneously covered the NW $\frac{1}{4}$  Section 9.

Studies indicate that approved appropriations for underground water within Diamond Valley exceed the amount available. The Bureau of Land Management was so advised by letter dated November 18, 1963. They were further advised that no new appropriations of underground water for government land development could be allowed until it has been determined that there is water available for appropriation and until it has been further determined that additional appropriations will not impair existing rights.

The Bureau of Land Management rejected and closed Desert Land Entry Nev-056494 on February 19, 1964 because of the over allocation of underground water in Diamond Valley. The NW $\frac{1}{4}$  Section 9, T. 20 N., R. 53 E., M.D.B. & M., is vacant government land.

Opinion:

It is the opinion of this office that the granting of water permits for use on land not owned or controlled by the applicant in a drainage basin where approved appropriations exceed amounts of water available would tend to impair the value of existing rights and be detrimental to the public welfare.

RULING

Applications 20385, 20386 and 20917 are herewith denied on the grounds that the granting of these applications would impair the value of existing subsurface water rights and would be detrimental to the public interest.

Respectfully submitted,

ELMO J. DeRICCO  
State Engineer

BY:   
George W. Hennen,  
Assistant State Engineer

Dated this 23rd,  
day of October 1964.

TMH:RDW:ns