

January 31, 1966

IN THE MATTER OF APPLICATION 20827)
FILED BY BILLY E. MCCLAIN, NYE)
COUNTY, NEVADA.)

R U L I N G

GENERAL:

Application 20827 was filed on November 2, 1962 by Billy E. McClain to appropriate 4.0 c.f.s. of water from an underground source for irrigation and domestic purposes. The point of diversion is described as being within the NW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 5, T. 12 S., R. 47 E., M.D.B. & M. and the place of use within the SE $\frac{1}{4}$ Sec. 5, T. 12 S., R. 47 E., M.D.B. & M. for a total of 160 acres. This application was filed in support of Desert Land Entry, Nevada 059358.

On February 2, 1964 this office was informed by the Bureau of Land Management that Desert Land Entry, Nevada 059358 had been rejected and closed on January 23, 1964. Therefore, the applicant does not exercise any control over the land.

OPINION:

It is the opinion of this office that the granting of an application to appropriate where the applicant does not own or control the land and in an area where present valid appropriations exceed the estimated recharge would be detrimental to the public welfare and the orderly development of the area.

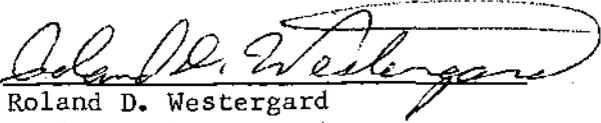
RULING:

Application 20827 is herewith denied on the grounds that its granting would be detrimental to the public welfare.

Respectfully submitted,

GEORGE W. HENNEN
State Engineer

BY:


Roland D. Westergard
Assistant State Engineer

Dated this 31st day of

January 1966.

RDW:PGM:jw