

IN THE MATTER OF APPLICATION 22265)
FILED SEPTEMBER 28, 1964 BY JUANITA)
BIFFLE TO APPROPRIATE WATER FROM)
AN UNDERGROUND SOURCE FOR IRRIGATION)
AND DOMESTIC PURPOSES IN RAILROAD)
VALLEY, NYE COUNTY, NEVADA)

R U L I N G #844

General:

Application 22265 was filed September 28, 1964 by Juanita Biffle for permission to appropriate 5.4 c.f.s. of the waters of an underground source at a point within the NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 16, T. 10 N., R. 57 E., M.D.B.&M. or at a point from which the N $\frac{1}{4}$ corner of said Section 16 bears N. 45° 00' E, 70.7 feet, to irrigate 320 acres in the W $\frac{1}{2}$ Section 16, T. 10 N., R. 57 E., M.D.B.&M., during the period January 1, to December 31 of each year. Domestic use of water is included.

The application was legally published in the Tonopah Times-Bonanza and Golffield news, a weekly newspaper printed and published in Tonopah, Nye County, Nevada.

This application was filed in connection with Desert Land Application (Nev.-061344) with the U. S. Bureau of Land Management, Nevada. The land embraced in this entry is the same land as applied for under application 22265.

In reply to our letter of January 17, 1966, the U. S. Bureau of Land Management informed this office that the entry was rejected and closed August 31, 1965.

Opinion:

It is the opinion of this office that the granting of the application 22265 for the use of water on land not owned or controlled by the applicant under application 22265 on which the applicant plans to place the water to beneficial use would be detrimental to the public welfare.

RULING

Application 22265. is herewith denied on the grounds that the applicant does not have control of the land on which the applicant plans to place the water to beneficial use, and that the granting of the application would be detrimental to the public welfare.

Respectfully submitted,

GEORGE W. HENNEN
State Engineer

BY: *Roland D. Westergard*
Roland D. Westergard
Assistant State Engineer

Dated this 2nd day of
Febr, 1966

GWH/RDW/FND:ja