

IN THE MATTER OF APPLICATION 31330
FILED FOR THE WATERS OF AN UNDER-
GROUND SOURCE IN DESERT VALLEY,
HUMBOLDT COUNTY, NEVADA

R U L I N G

FINDINGS OF FACT

Application 31330 was filed on April 14, 1977 by Charles N. Giordano, to appropriate 5.0 c.f.s. of the waters of an underground source to be diverted within the NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 11, T.40N., R.33E., M.D.B. & M., and to be used for the irrigation of 400 acres of land.1/

II

This application is in an area of concentrated development within the Desert Valley Ground Water Basin.2/

III

The Desert Valley Ground Water Basin was designated and described in Order No. 535 issued by the State Engineer on May 9, 1975 pursuant to the provisions of Chapter 534, NRS (Conservation and Distribution of Underground Water.)3/

IV

Applications 27788, 29803 and 29804 have been denied within this area of concentrated development.4/

CONCLUSIONS

1. The State Engineer is prohibited by law from granting a permit where:

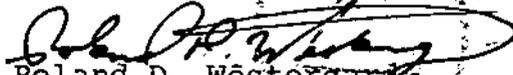
- A. There is no unappropriated water at the source, or
- B. The proposed use conflicts with existing rights, or
- C. The proposed use threatens to prove detrimental to the public welfare.5/

2. If Application 31330 were granted, the additional appropriation would result in water-level declines and would, therefore, conflict with existing rights and threaten to prove detrimental to the public welfare.

RULING

Application 31330 is hereby denied on the grounds that its granting would tend to impair the value of existing right and be otherwise detrimental to the public welfare.

Respectfully submitted,


Roland D. Westergard
State Engineer

RDW:TJS:jv

Dated this 24th day
of February, 1978.

FOOTNOTES

1. Public Records in the Office of the State Engineer.
2. Public Records in the Office of the State Engineer.
3. Public Records in the Office of the State Engineer.
4. Public Records in the Office of the State Engineer.
5. N.R.S. 533.370 subsection 4.