

IN THE MATTER OF APPLICATION 20070
FILED FOR THE WATERS OF HIDDEN POOL
SPRING AND APPLICATION 21542 FILED
FOR THE WATERS OF UNNAMED SPRING IN
ASH MEADOW VALLEY, NYE COUNTY, NEVADA.)

R U L I N G

General:

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Application 20070 was filed on September 7, 1961 by Lyle K. Gross for four (4) second-feet of the waters of Hidden Pool Spring for the irrigation of 160 acres within the NW $\frac{1}{4}$ Sec. 2, T. 18 S., R. 50 E., M.D.B.&M. This application was filed in support of Homestead Application Nevada--050533 and later was used in support of Desert Land Application Nevada--059771. The proposed point of diversion under this application is within the SW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 2, T. 18 S., R. 50 E.

Application 21542 was filed on September 23, 1963 by Lyle K. Gross for 2.7 c.f.s. of the waters of an Unnamed Spring for the irrigation of 160 acres of land within the NW $\frac{1}{4}$ Sec. 2, T. 18 S., R. 50 E., M.D.B.&M. The proposed point of diversion was to be within the SW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 35, T. 17 S., R. 50 E. This application was also filed in support of the above mentioned Homestead Application and Desert Land Application.

Desert Land Application Nevada--059771 was rejected by the Bureau of Land Management for the following reason:

"application cancelled because of over-allocation of water in Amargosa--Ash Meadow Basin".

Homestead Application Nevada--050533 was rejected on the following grounds:

"rejected and closed because of over-appropriation of underground water".

Since these applications are for surface waters and not for underground waters, the determination of the over-allocation of water and the over-appropriation of ground water is a determination of the Bureau of Land Management and not of the Office of the State Engineer.

Opinion:

It is the opinion of this office that the granting of applications for use of waters on government lands that the applicant does not own or control would impair the orderly development of the area.

RULING

Applications 20070 and 21542 are herewith denied on the grounds that the granting of applications on government land that the applicant does not own or control would be detrimental to the orderly development of the area and detrimental to the public welfare.

Respectfully submitted,

GEORGE W. HENNEN
State Engineer

BY: 
Roland D. Westergard
Assistant State Engineer

Dated this 31st day of
March, 1965.

RDW/TJS/wij