

IN THE MATTER OF APPLICATION 18620)
FILED ON MARCH 7, 1960, BY LEROY)
E. ELLIS, JR. TO APPROPRIATE WATER))
FROM AN UNDERGROUND SOURCE IN)
SUPPORT OF H.A. 045150, IN THE)
KINGS RIVER DRAINAGE BASIN,)
HUMBOLDT, COUNTY, NEVADA.)

R U L I N G

General:

Application 18620 was filed on March 7, 1960, by Leroy E. Ellis, Jr. in support of Homestead Application 045150 for the irrigation of 160 acres and for domestic purposes. The point of diversion is in the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 22, T. 44 N., R. 34 E., M.D.B.&M.

In response to a request from the Bureau of Land Management for information relative to the availability of ground water in several valleys, one of which was Kings River Valley, the office of the State Engineer furnished the following information in a letter dated November 13, 1963, over the signature of Elmo J. DeRicco, then State Engineer:

"Our preliminary studies indicate that approved appropriations for underground water within these valleys equals or exceeds the amount of water available as determined by existing studies. No new appropriations for government land development can be allowed within these areas 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. Further studies may indicate that additional appropriations may be allowed in specific areas, but we do not have sufficient information to make these determinations at this time."

The Bureau of Land Management subsequently rejected the Homestead Application No. 045150 by a decision dated August 4, 1964.

Opinion:

It is the opinion of this office that the granting of Application No. 18620 for use on land not owned or controlled by the applicant in a critical ground water area would impair the value of existing rights and would be detrimental to the orderly development of the area.

Ruling:

Application 18620 is herewith denied on 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

TMH:RDW:rap

Dated this 16 day of
July, 1965.