

IN THE MATTER OF APPLICATION 20405)  
 FILED BY LIONEL J. BAILEY, ASH )  
 MEADOW VALLEY, NYE COUNTY, NEVADA )

R U L I N G

GENERAL:

Application 20405 was filed on April 9, 1962 by Lionel J. Bailey to appropriate 5.4 c.f.s. of water from an underground source for irrigation and domestic purposes. The point of diversion is described as being within the SW $\frac{1}{2}$  NW $\frac{1}{2}$  Sec. 5, T. 17 S., R. 49 E., M.D.B. & M. and the place of use within the W $\frac{1}{2}$  Sec. 5, T. 17 S., R. 49 E., M.D.B. & M. for a total of 320.69 acres.

This application was filed in support of Desert Land Entry, Nevada 056786. On March 2, 1964 this office was informed by the Bureau of Land Management that Desert Land Entry, Nevada 056786 had been rejected and closed on February 25, 1964. Therefore, 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 20405 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 31<sup>st</sup> day of  
January 1966

RDW:PGM:jw