

IN THE MATTER OF APPLICATION 20480)
FILED ON MAY 23, 1962 BY LOIS FRANCES)
KENT TO APPROPRIATE WATER FROM AN UNDERG) R U L I N G
GROUND SOURCE FOR IRRIGATION AND DOMESTIC)
PURPOSES IN DIAMOND VALLEY, EUREKA COUNTY,))
NEVADA)

General:

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Application 20480 was filed on May 23, 1962 by Lois Frances Kent to appropriate water from an underground source for irrigation and domestic purposes in support of Desert Land Entry Nev-048600 in Diamond Valley, Eureka County, Nevada. This application was protested in September 21, 1962 by Ruby Hill Mining Company.

The Desert Land Entry Nev-048600 was allowed on April 27, 1960 and canceled on September 14, 1964 for failure to comply with Bureau of Land Management requirements.

Studies indicate that approved appropriations for underground water within Diamond Valley exceed the amount available.

Opinion:

It is the opinion of this office that granting a water permit for use on land not owned or controlled by the applicant in a drainage basin where approved appropriations exceed amounts of water available tend to impair the value of existing rights and be detrimental to the public welfare.

It is a further opinion that no determinations are required on the protest of the Ruby Hill Mining Company as the applications is to be denied on other grounds.

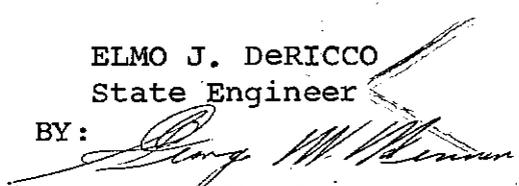
RULING

Application 20480 is herewith denied on the grounds that the granting of this permit would impair the value of existing subsurface water rights and would be detrimental to the public interest.

Dated this 22nd,
day of October 1964.

Respectfully submitted,

ELMO J. DeRICCO
State Engineer

BY: 
George W. Hennen
Assistant State Engineer

TMH:RDW:ns