

IN THE MATTER OF APPLICATION 18389)
FILED ON OCTOBER 26, 1959, BY ELMO)
E. FERRARI TO APPROPRIATE WATER)
FROM AN UNDERGROUND SOURCE IN)
SUPPORT OF DLE 048828, IN THE KINGS)
RIVER DRAINAGE BASIN, HUMBOLDT)
COUNTY, NEVADA.)

R U L I N G

General:

Application 18389 was filed on October 26, 1959, by Elmo E. Ferrari in support of Desert Land Entry Nevada 048828 for the irrigation of 240 acres and for domestic purposes. The point of diversion is in the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Sec. 36, T. 46 N., R. 33 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 Desert Land Entry No. 048828 by a decision dated August 4, 1964.

Opinion:

It is the opinion of this office that the granting of Application No. 18389 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 18389 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. Westergaard
Assistant State Engineer

RDW:TMH:rap

Dated this 19th day of

July, 1965.