

IN THE MATTER OF APPLICATION 24235)
FILED BY STANLEY H. HITCHINS ON)
NOVEMBER 24, 1967, TO APPROPRIATE)
WATER FROM AN UNDERGROUND SOURCE)
IN ELKO COUNTY, NEVADA)

R U L I N G

GENERAL:

Application 24235 was filed November 24, 1967, by Stanley H. Hitchins for permission to appropriate 5.4 cfs of water from an underground source for irrigation (320 acres) and domestic purposes. The point of diversion is described as within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 11, T32N., R64E., MDB&M. The place of use is described as within the SE $\frac{1}{4}$ Section 10, SW $\frac{1}{4}$ Section 11, T32N., R64E., MDB&M.

This application was filed in support of Desert Land Entry Nev. 061723. Notice was received January 31, 1968, from the United States Department of Interior, Bureau of Land Management, Nevada Land Office, Reno, Nevada, advised this office that Desert Land Entry 061723 was cancelled and closed. In a letter dated April 17, 1968, from Ellis R. Ferguson, Attorney at Law, agent for the applicant, it was requested that action on this application be withheld pending the outcome of a Public Land Sale Application for this land, made to the Department of Interior, Bureau of Land Management. The Bureau of Land Management, Nevada Land Office, was contacted by letter dated April 19, 1968, requesting information regarding the above described Land Sale Application, and reply dated April 29, 1968, indicated that the Land Sale Application should not be granted. However, a review by the District Manager of the Bureau of Land Management for the Reno Office has been requested. A letter dated July 5, 1968, from the Bureau of Land Management, Elko District Office states that this review is one of a large number of backlog cases that require investigative work before a decision can be made. Preliminary findings indicated that the highest and best use for these lands is grazing, and that favorable decision for disposal by Public Land Sale for agricultural purposes is not likely.

OPINION:

It is the opinion of this office that the approval of Application 24235 or the withholding of action for an indefinite period of time pending the outcome of the Public Land Sale Review and subsequent prolonging of a priority based on this situation would not be in the best public interest and would be detrimental to the public welfare.

RULING

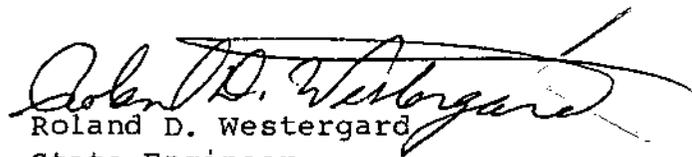
Application 24235 is herewith denied on the grounds that the applicant does not own or control the ground on which the applicant

Application 24235

Page Two

plans to place the water to beneficial use and that the granting of this application would be detrimental to the public welfare.

Respectfully submitted,


Roland D. Westergard
State Engineer

RDW:RRD:dc

Dated this 1st day

of August, 1968.