

IN THE MATTER OF APPLICATION 34614)  
FILED TO APPROPRIATE THE WATERS OF)  
AN UNDERGROUND SOURCE IN DIAMOND )  
VALLEY, EUREKA COUNTY, NEVADA. )

R U L I N G

GENERAL

Application 34614 was filed on November 15, 1977 by Marshall J. Stenton (undivided 2/3 interest) and James E. Stenton (undivided 1/3 interest) for permission to appropriate 4.0 c.f.s., of water from an underground source for irrigation purposes. The proposed point of diversion is located at a point within the NW1/4 SE1/4, Section 17, T.21N., R.53E., M.D.B.&M. The proposed place of use is 156 acres within the SE1/4, Section 17, T.21N., R.53E.

FINDINGS OF FACT

I

The land proposed to be irrigated under Application 34614 is presently covered under existing Permit 29269 in the amount of 5.4 c.f.s. of water for irrigation of 320 acres within the S1/2 of said Section 17. 1/

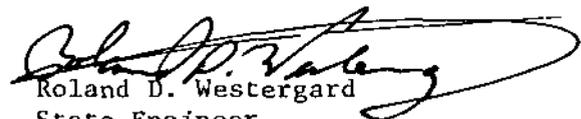
II

If the applicant desires to drill an additional well on the S1/2 of said Section 17, the Nevada Water Law provides for applications to change the point of diversion, manner and/or place of use of waters already appropriated. 2/

RULING

Application 34614 is herewith denied on the grounds that the land proposed to be irrigated under the subject application is presently covered with water rights for the irrigation of said land under existing Permit 29269, and that the granting of the permit under Application 34614 would constitute an additional diversion of water from this concentrated area which would adversely affect existing rights and be detrimental to the public welfare.

Respectfully submitted,

  
Roland D. Westergard  
State Engineer

RDW/BLR.b1

Dated this 14th day  
of NOVEMBER, 1978.

FOOTNOTES

1. Public Records in the Office of the State Engineer.

2. NRS 538.345

