

IN THE MATTER OF APPLICATION 21540 FILED)  
ON SEPTEMBER 20, 1963 BY CARL S. MOSHIER)  
TO APPROPRIATE WATER FROM AN UNDERGROUND)  
SOURCE FOR IRRIGATION AND DOMESTIC PUR- )  
POSES IN DIAMOND VALLEY, EUREKA COUNTY, )  
NEVADA )

R U L I N G

General:

Application 21540 was filed on September 20, 1963 by Carl S. Moshier to appropriate water from an underground source for irrigation and domestic purposes in support of Desert Land Entry Nev-017576 in Diamond Valley, Eureka County, Nevada.

The Desert Land Entry was allowed on April 15, 1960 and subsequently canceled by the Bureau of Land Management for failure of the entryman to comply with the final proof requirements of the Desert Land Act.

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.

RULING

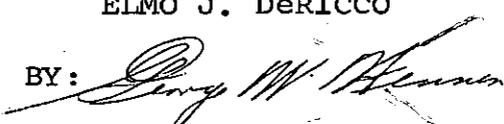
Application 21540 is herewith denied on the grounds that the granting of this permit would impair the value of existing subsurface water rights and would be detrimental to the public interest.

Respectfully submitted,

Dated this 22nd,  
day of October 1964.

ELMO J. DeRICCO

BY:

  
George W. Hennen  
Assistant State Engineer

TMH:RDW:ns