

IN THE MATTER OF APPLICATION 19588
FILED IN SUPPORT OF D. L. E. 048929
BY EDWIN VAN RIPER FOR UNDERGROUND
WATER IN PERSHING COUNTY, NEVADA

RULING

General:

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Application 19588 was filed on February 20, 1961 by Edwin Van Riper for waters of an underground source to be diverted within the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 36, T. 35 N., R. 24 E., and to be used for the irrigation of 160 acres located within the SW $\frac{1}{4}$, Sec. 36, T. 35 N., R. 24 E. This application was filed in support of Desert Land Application Nev-048929 and was ready for action by this office on June 11, 1962.

On July 20, 1962, this office inquired the present status of the Desert Land Application from the Bureau of Land Management. The Bureau of Land Management replied on July 24, 1962 that "Mr. Van Riper's application has been referred to the field examiners for examination and classification. It cannot be determined at this time when or if allowance will be obtained".

This office again inquired the status of Mr. Van Riper's Desert Land Application on October 20, 1964. The Bureau of Land Management's reply of October 21, 1964 stated "Desert Land Entry Nev-048929 was rejected and closed on the Land Office records 7/9/63".

Opinion:

It is the opinion of this office that the granting of applications filed in support of Desert Land Applications which have been rejected and closed and where the applicant does not have control of the land on which he plans to put the water to beneficial use would be detrimental to the public welfare.

RULING

Application 19588 is herewith denied on the grounds that its granting would be detrimental to the public welfare.

Respectfully submitted,

ELMO J. DeRICCO
State Engineer

BY: 
George W. Hennen
Assistant State Engineer

Dated this 6th day of
November, 1964.

GWH/TJS/wij