

IN THE MATTER OF APPLICATIONS 19576 AND)
19577 FILED FEBRUARY 17, 1961, BY HERMAN)
LEROY AGNEW TO APPROPRIATE WATER FROM AN)
UNDERGROUND SOURCE FOR IRRIGATION AND)
DOMESTIC PURPOSES IN DIAMOND VALLEY,)
EUREKA COUNTY, NEVADA)

R U L I N G

Description:

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Applications 19576 and 19577 were filed February 17, 1961, by Herman LeRoy Agnew to appropriate 5.4 c.f.s. of the water from an underground source in support of DLE Nev-056378. Water was to be diverted from points within the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ and the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 5, T. 21 N., R. 53 E., M.D.B.&M., respectively. The water was to be used to irrigate 324.72 acres in the N $\frac{1}{2}$ of Section 5, T. 21 N., R. 53 E., M.D.B.&M., and for domestic purposes.

General:

A hydrologic reconnaissance by the U. S. Geological Survey and a tabulation of existing water rights by the State Engineer's office shows the subsurface reservoir of Diamond Valley to be substantially over-allocated with respect to ground water extractions.

The U. S. Bureau of Land Management on May 28, 1962, rejected DLE Application Nev-056378 on the basis of the U. S. Geological Survey's report on Diamond Valley and by its memorandum of February 19, 1964, made that decision final and gave the case a "dead" status.

Opinion:

It is the opinion of this office that the granting of the above numbered applications to irrigate land that is not owned or controlled by the applicant, in an area where approved appropriations exceed amounts of water available would tend to impair the value of existing rights and be detrimental to the public welfare.

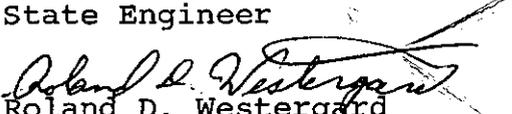
RULING

Applications 19576 and 19577 are herewith denied on the grounds that the granting of these permits would impair the value of existing water rights in the area, and would otherwise be detrimental to public welfare.

Respectfully submitted,

GEORGE W. HENNEN
State Engineer

By:


Roland D. Westergard
Assistant State Engineer

Dated this 20th day of
January, 1965

TH:lh