

IN THE MATTER OF APPLICATION 21222 }
FILED BY JOHN H. BERRETH FOR UNDER- }
GROUND WATERS IN DIXIE VALLEY, }
CHURCHILL COUNTY, NEVADA. }

R U L I N G

General:

Application 21222 was filed by John H. Berreth on April 25, 1963 to divert 5.4 c.f.s. of the waters of an underground source located within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 30, T. 21 N., R. 35 E., M.D.B.&M., to be used for the irrigation of the S $\frac{1}{2}$ Section 30, T. 21 N., R. 35 E. This application was filed in support of Desert Land Application, Nevada 058785.

At the request of the Bureau of Land Management this office made a determination of ground water available for government land development in three areas of Dixie Valley. One of these areas is within T. 21 N., R. 34 and 35 E., M.D.B.&M. It was determined that due to other ground water development in this particular area that if this office approved the applications to appropriate water for five allowed Desert Land Entries there would be no additional water available for appropriation for government lands within the area. These applications to appropriate water filed in support of the allowed Desert Land Entries were subsequently approved. By notice from the Bureau of Land Management received on June 12, 1964, this office was informed that Desert Land Application 058785 had been rejected.

Opinion:

It is our opinion that the granting of this application for land that is not owned or controlled by the applicant, in an area where there is a limited available ground water supply, would tend to impair the value of existing water rights and would be detrimental to the orderly development of the area.

Ruling:

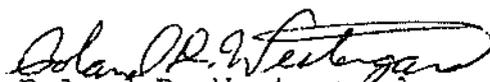
Application 21222 is herewith denied on the grounds that its granting would tend to impair the value of existing rights and be otherwise detrimental to the public welfare.

Respectfully submitted,

RDW:TJS:wij

Dated this 14th day of

April, 1966.


Roland D. Westergard
Assistant State Engineer