

IN THE MATTER OF APPLICATION)
20764 FILED TO APPROPRIATE)
WATER FROM DEVIL'S HOLE IN)
NYE COUNTY, NEVADA X

R U L I N G

GENERAL:

Application 20764 was filed October 4, 1962, by Nye County Land Company to appropriate 20.0 c.f.s. of water from Devil's Hole for irrigation and domestic purposes. The point of diversion described in the Application is within the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 36, T. 17 S., R. 50 E., M.D.B. & M. and the place of use is within portions of Sections 15, 16, 17, 20, and 21; all in T. 17 S., R. 50 E., M.D. B & M., (1560 acres).

This office has received information from the National Park Service that "Devil's Hole was added to Death Valley National Monument by Presidential Proclamation in 1952 because of the presence in this pool of a peculiar race of desert fish found nowhere else in the world. Because of the sensitivity of this fish to any changes in environment, we feel very strongly that it would be incompatible to divert water or to permit any other activity at Devil's Hole which could conceivably affect the habitat.

Superintendent Aubuchon on March 24, 1964, declared Devil's Hole a restricted Administrative Area. This action was taken in accordance with National Park Service regulations which permit the superintendent to close or restrict use of an area when it is deemed necessary for the protection of the area."

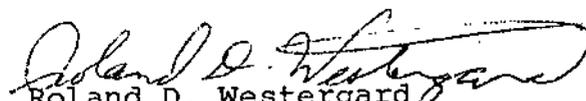
OPINION:

It is the opinion of this office that the granting of a water right under Application 20764 to appropriate water from Devil's Hole, which has been declared a restricted Administrative Area by the National Park Service, would be detrimental to the public interest.

RULING:

Application 20764 is hereby denied on the grounds that the granting of the Application would be detrimental to the public interest.

Respectfully submitted,


Roland D. Westergard
State Engineer

RDW:BJV:jw

Dated this 11th day
of October, 1967