

IN THE MATTER OF APPLICATION)
NO. 24011 FILED JULY 19, 1967, BY)
JOSIAH W. BATCHELLER TO APPRO-)
PRIATE WATER FROM AN UNDERGROUND)
SOURCE IN EUREKA COUNTY, NEVADA)

R U L I N G

GENERAL:

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Application No. 24011 was filed July 19, 1967, by Josiah W. Batcheller for permission to appropriate 5.4 c.f.s. of water from an underground source for irrigation (286.3 acres) purposes. The point of diversion is described as within the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 5, T. 21 N., R. 53 E., M.D.B. & M. The place of use is described as within Lots 7 and 8, SW $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$ and SW $\frac{1}{4}$ of Section 5, T. 21 N., R. 53 E., M.D.B. & M. Application No. 24011 was protested on October 26, 1967, by Herman L. Agnew.

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

The Bureau of Land Management informed the Division of Water Resources by a letter dated November 8, 1967, that the Land Office records show Section 5, T. 21 N., R. 53 E., as vacant public land.

OPINION:

It is the opinion of this office that the granting of Application No. 24011 to irrigate land that is not owned or controlled by the applicant in an area where the approved appropriations exceed the amounts of water available would tend to impair the value of existing rights and would be detrimental to the public welfare.

RULING:

Application No. 24011 is herewith denied on the grounds that the applicant does not own or control the land on which the applicant plans to place the water to beneficial use and that the granting of this application would impair the value of existing water rights in the area and would otherwise be detrimental to the public welfare.

Respectfully submitted,


Roland D. Westergard
State Engineer

Dated this 21st day
of November, 1967.

RDW:WJN:JW