

IN THE MATTER OF APPLICATION 41184)
FILED TO APPROPRIATE UNDERGROUND)
WATER IN DIAMOND VALLEY, EUREKA)
COUNTY, NEVADA)

R U L I N G

GENERAL

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Application 41184 was filed April 28, 1980 by David A. Pastorino to appropriate 0.15 c.f.s. for quasi-municipal purposes. The point of diversion is within the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 14, T.19N., R.53E., M.D.B.&M. 1/

A protest was filed to the granting of Application 41184 on September 23, 1980 by the U. S. Government, Bureau of Land Management on the grounds that:

"The water is necessary for the multiple use management of the public lands and the beneficial users would be wildlife, wild horses and domestic livestock."

CONCLUSIONS

I

The State Engineer has jurisdiction of the parties and the subject matter of this action. 2/

II

The State Engineer is prohibited by law from granting a permit where:

- A. There is no unappropriated water at the proposed source, or
- B. The proposed use conflicts with existing rights, or
- C. The proposed use threatens to prove detrimental to the public welfare. 3/

RULING

The protest is overruled on the grounds that the proposed appropriation will not conflict with existing rights or be detrimental to the public welfare.

A permit will be issued under Application 41184 when the statutory fees are received.

Respectfully submitted,

William J. Newman

William J. Newman
State Engineer

Dated this 11th day of
DECEMBER, 1980.

WJN/RWP/bc