

IN THE MATTER OF APPLICATION)
23373, FILED BY PAUL KOLLSMAN)
TO APPROPRIATE WATER FROM DYKE)
SPRING NO. 2 IN ESMERALDA COUNTY,)
NEVADA.)

R U L I N G

GENERAL:

117 Application 23373 was filed by Paul Kollsman on September 7, 1966, for permission to appropriate 1.0 c.f.s. of water from Dyke Spring No. 2 for mining, milling and domestic purposes. The proposed point of diversion is described as being within the NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 10, T.1S., R.33E., M.D.B.&M., (unsurveyed). The proposed place of use is described as the NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 1, T.1S., R.33E., M.D.B.&M., (unsurveyed).

Dyke Spring No. 2 is located within the drainage basin of Trail Canyon Creek.

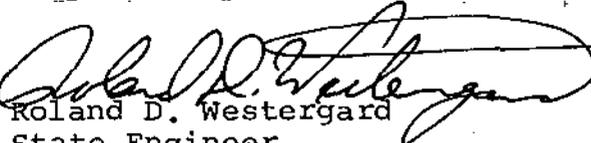
In the Matter of the Determination of the Relative Rights of the Waters of Trail Canyon Creek, a field investigation was made of the immediate area around these two springs on August 6 and August 8, 1963. This investigation and subsequent investigations confirmed that these springs are located in a seepage area and are tributary to Trail Canyon Creek. Dyke Spring No. 2 is located approximately 300 feet upstream from Dyke Spring. Both springs are on the south side of the stream. Any further development of water in this area would affect existing rights.

The water from Dyke Spring was the only source of water considered and decreed in the Determination of the Waters of Trail Canyon Creek.

RULING

Application No. 23373, filed by Paul Kollsman on September 7, 1966, is herewith denied on the grounds that the proposed appropriation would interfere with existing prior rights on Dyke Spring and would be detrimental to the public welfare.

Respectfully submitted,


Roland D. Westergard
State Engineer

RDW:LEP:jw

Dated this 27th day
of August, 1969.