

IN THE MATTER OF APPLICATION 25628)  
FILED BY MRS. H. H. HEISLER ON )  
MAY 22, 1970, TO APPROPRIATE THE )  
WATERS OF LOWER INDIAN SPRING IN )  
NYE COUNTY, NEVADA. )

R U L I N G

GENERAL:

Mrs. H. H. Heisler filed Application 25628 on May 22, 1970, to appropriate 0.5 second feet of water from Lower Indian Spring for quasi-municipal and domestic purposes. The proposed point of diversion is within the SW $\frac{1}{4}$ SE $\frac{1}{4}$  of Sec. 26, T.11S., R.46E., M.D.B.&M., and the water is to be conveyed to the place of use located in the NE $\frac{1}{4}$  of Sec. 9, T.12S., R.46E., M.D.B.&M. The water is to be used in a service station, restaurant, 20 space trailer court, and a single family dwelling.

A protest against Application 25628 was filed on September 8, 1970, by the Department of Fish and Game of the State of Nevada. The protest prays that the application be issued only subject to prior rights and that water, in sufficient quantity be available to the resident wildlife and the feral burro (non-wildlife specie).

A field investigation in the matter of Application 25628 was held on October 15, 1970. The field investigation established the fact that the proposed source is the uppermost of three contiguous springs, and that there is probably sufficient water to provide for wild-life in the lower two springs. The applicant has agreed to install an overflow pipe from the uppermost spring.

There are no other rights of record to appropriate the waters of Lower Indian Spring.

RULING

A permit will be issued subject to existing rights upon payment of the statutory permit fees.

Respectfully submitted,

  
Roland D. Westergard  
State Engineer

RDW:JCP:jw

Dated this 7th day of  
December, 1972