

IN THE MATTER OF APPLICATION 26164)
FILED FOR THE WATERS OF RAILROAD)
SPRING, CLARK COUNTY, NEVADA.)

R U L I N G

Application 26164 was filed on June 8, 1971, by Russel Knight to appropriate 0.015 c.f.s. of the waters of Railroad Spring located within the SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 31, T.26S., R.61E., M.D.B.&M. to be used for the watering of 200 head of cattle within the same subdivision as the point of diversion.

This application was protested on September 30, 1971, by the State of Nevada Department of Fish and Game on the grounds that the water has been used for the watering of wildlife in the area.

The Department prayed that the application be "issued only subject to prior rights and that water in sufficient quantity (possibly the entire spring flow), be available to the above wildlife species at the spring source."

An investigation in the matter of this application was made on January 18, 1972.

Railroad Spring is a developed spring located on the west side of the McCullough Range approximately three (3) miles northwest of McCullough Mountain. The spring is developed by means of a tunnel approximately 20 feet in length, 6 feet high and 5 feet wide into decomposed granite rock. Water is piped from the tunnel through a 1 inch iron pipe to an iron and concrete stock watering trough located approximately 170 feet from the mouth of the tunnel. Records in the Office of the State Engineer indicate that this work was originally done in 1915 under Permit 3548. Because of a flaw in the chain of title, the works were maintained under the provisions of Permit 9851. Again because of the inability of Russel Knight to complete the chain of title, he has filed on this spring under Application 26164.

OPINION:

It is our opinion that the granting of this application would not tend to impair the value of existing rights or be otherwise detrimental to the public welfare.

RULING

The protest to the granting of Application 26164 is partly sustained and partly overruled. A permit will be granted under Application 26164 upon receipt of the statutory permit fees subject to existing rights and further subject to the provision that no work in connection with the appropriation shall prevent wildlife from watering at this source.

Respectfully submitted,

Dated. this 15th
day of February, 1972.


Roland D. Westergard
State Engineer