

IN THE MATTER OF APPLICATION 26428)
FILED BY THE NEVADA AREA COUNCIL,)
BOY SCOUTS OF AMERICA TO APPRO-)
PRIATE WATER FROM A SPRING IN NYE)
COUNTY, NEVADA)

R U L I N G

GENERAL:

Application 26428 was filed on December 3, 1971, by the Nevada Area Council Boy Scouts of America to appropriate 0.20 c.f.s. of water from a spring in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 34, (un-surveyed) T.14N., R.39E., M.D.B.&M. Water is to be used for Recreation (Boy Scout camp) and Domestic purposes on Homestead Entry Survey No. 78 within the NE $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ NE $\frac{1}{4}$, Section 8, N $\frac{1}{2}$ NW $\frac{1}{4}$, Section 9, S $\frac{1}{2}$ SW $\frac{1}{4}$, Section 4, T.13N., R.39E., M.D.B.&M.

A protest to the granting of this application was filed on July 3, 1972, by the Bureau of Indian Affairs, Nevada Indian Agency. The grounds of the protest were that "it would take water from Indian livestock that are licensed in the area". The protestants prayed that the application would be issued "subject to prior vested rights and a stipulation the Indian livestock water needs would be met first".

A field investigation in the matter of this application was made on August 29, 1972.

The Shamrock Mines Company is the owner of record of Permit 7507, Certificate 1520 to appropriate 0.0833 cubic feet per second from the source. The certificate allows for the water to be piped through approximately 6 miles of pipe to the town of Ione where it is used for mining, milling and domestic purposes. On August 17, 1972, the United States of America, Forest Service filed proof of appropriations 02800 on the source. The proof claims the use of 0.015 c.f.s. for the watering of 1,000 cattle and 5 horses with the date of priority of 1863.

On the date of the investigation, the spring was flowing approximately 8 gallons per minute (0.0178 c.f.s.) at the mouth of the canyon below the source.

RULING:

Application 26428 is herewith denied on the grounds that there is no unappropriated water in the source and that the granting of a permit would tend to impair the value of existing rights.

RDW:BLR:cm

Respectfully submitted,

Dated this 19 day
of October, 1972.


Roland D. Westergard
State Engineer