

IN THE MATTER OF APPLICATION )  
29625 FILED BY THE LOS ANGELES )  
AND SALT LAKE RAILROAD COMPANY )  
AND ITS LESSEE, UNION PACIFIC )  
RAILROAD COMPANY FOR THE WATERS )  
OF THE LOWER COTTONWOOD SPRING )  
LOCATED IN CLARK COUNTY, NEVADA )

R U L I N G

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GENERAL:

Application 29625 was filed on September 2, 1975 by the Los Angeles and Salt Lake Railroad Company and its lessee, Union Pacific Railroad Company to appropriate 0.50 c.f.s. of water from Lower Cottonwood Spring for quasi-municipal and domestic purposes. The point of diversion is described as being located within the NW $\frac{1}{4}$  SE $\frac{1}{4}$  Section 7, T.22S., R.59E., M.D.B.&M. The place of use is described under Exhibits A and B of the application and is made a part of this ruling by reference. The period of use is described as being from January 1st to December 31st of each year.

A protest to the granting of this application was filed by James C. Stultz on January 2, 1976. The grounds of this protest are as follows:

"Cottonwood Springs is a historical spot and the waters from said springs have been used for irrigation purposes for the surrounding area for well over 100 years. These waters have been used to irrigate apple, apricot, fig, as well as gardening and surrounding historical trees including willow and cottonwood. Applicant has stopped all flow of water to said trees and the area surrounding this spring and as a result, all trees and vegetation in surrounding this spring are dying. Unless water from this spring is allowed to flow and irrigate the area, Nevada will lose one of its historical landmarks."

A protest to the granting of the application was filed on January 12, 1976 by the Blue Diamond Recreation Association under the signature of Michael J. Van Lieshout. The grounds of the protest are as follows:

"Present use of water by Union Pacific Railroad has destroyed the natural flow of water from Cottonwood Spring. Continued use of the water by Union Pacific Railroad presently and under the proposal being made, will adversely affect the water table levels for the entire Blue Diamond Community."

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A field investigation was held in this matter on February 19, 1976. Information developed at the field investigation discloses that the issue involved was the provision of a water supply for a small meadow (park area) and trees adjacent to the discharge area of Lower Cottonwood Spring located within the NW $\frac{1}{4}$  SE $\frac{1}{4}$  Section 7, T.22S., R.59E. At the conclusion of the investigation it was agreed by the applicants and protestants that the State Engineer's office would be notified within 30 days of the date of the field investigation as to any possibility that some mutual agreement could be reached by the applicants and the protestants concerning the provision of water for the area in question.

By letters dated April 1, 1976 and April 2, 1976, the Union Pacific Railroad Company agreed to provide water from the spring for the trees and small meadow area described above.

The NW $\frac{1}{4}$  SE $\frac{1}{4}$  Section 7, T.22S., R.59E., M.D.B.&M. falls within the described place of use under Application 29625 and the use thereof can be included under the quasi-municipal and domestic use applied for under Application 29625.

RULING:

The protests to the granting of Application 29625 are herewith overruled and a permit will be granted upon receipt of statutory permit fees with the understanding that water will be provided for the small meadow area and trees within the NW $\frac{1}{4}$  SE $\frac{1}{4}$  Section 7, T.22S., R.59E., within the community of Blue Diamond. The permit will be issued further subject to any existing rights.

Respectfully submitted,

  
Roland D. Westergard  
State Engineer

RDW/PGM/lk

Dated this 13th day  
of April, 1976.