

IN THE MATTER OF APPLICATIONS 30186, )  
30187, AND 30188 FILED TO APPROPRIATE )  
THE WATER OF SPRING NOS. 8, 9, & 10 )  
LOCATED IN THE McDERMITT SUBAREA, )  
QUINN RIVER VALLEY, HUMBOLDT COUNTY, )  
NEVADA. )

R U L I N G

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GENERAL:

Application 30186 was filed on April 23, 1976 by Nevada First Corporation to appropriate 0.5 cfs of water from Spring No. 10 located within the SE $\frac{1}{4}$  NE $\frac{1}{4}$  Section 28, T.47N., R.40E., M.D.B.&M. The water is to be used for stockwatering and domestic purposes for 1500 head of cattle within the same subdivision as the point of diversion.

Application 30187 was filed on April 23, 1976 by Nevada First Corporation to appropriate 0.5 cfs of water from Spring No. 9 located within the SE $\frac{1}{4}$  NE $\frac{1}{4}$  Section 28, T.47N., R.40E., M.D.B.&M. The water is to be used for stockwatering and domestic purposes for 1500 head of cattle within the same subdivision as the point of diversion.

Application 30188 was filed on April 23, 1976 by Nevada First Corporation to appropriate 0.5 cfs of water from Spring No. 8 located within the NW $\frac{1}{4}$  SE $\frac{1}{4}$  Section 28, T.47N., R.40E., M.D.B.&M. The water is to be used for stockwatering and domestic purposes for 1500 head of cattle within the same subdivision as the point of diversion.

Protests to the granting of the above applications were filed by the United States of America Forest Service. The grounds of protests were as follows: "The United States has a right to the water in the springs to use in meeting the purposes for which National Forests were established including outdoor recreation, range, timber, watershed and wildlife purposes. This claim is based on an April 1, 1911 reservation date and on a water needs inventory that has been submitted to the State Engineer's office. The springs are within the Quinn River cattle grazing allotment where a total of 3,264 head of cattle graze between June 1 and September 30. Beneficial use has been made of the water by wildlife and permitted livestock since the land was reserved from Public Domain. Future use will continue to be for wildlife and livestock." The protestant prays that the applications be denied.

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An informal field investigation was made at the spring sites on August 25, 1976 by Ralph Gamboa, Roger Johnson and Bruce Rice, all of the State Engineer's office. The springs are all near the head of Long Canyon, an intermittent tributary to the East Fork Quinn River. It is apparent that spring runoff and snow melt from the canyon do provide some inflow to the river. However, the springs produce only small amounts of water that seep into the ground a short distance from the spring to the river. A few of the springs have been developed for stockwatering purposes with collector pipes and troughs.

In a letter received from the United States Forest Service dated July 6, 1976, the protestant indicates that Nevada First Corporation is the sole grazing permittee in the area of the springs. The total number of cattle grazed in the area can be up to 3,264 head during the period from June 1 through September 30 of each year.

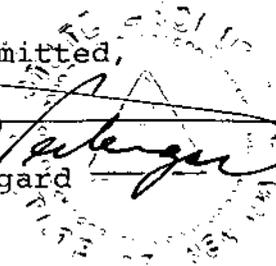
**RULING:**

The protests to the granting of Applications 30186, 30187 and 30188 are herewith overruled on the grounds that granting of the permits to the existing range users will not adversely affect prior existing rights or be otherwise detrimental to the public welfare.

Permits will be granted subject to existing rights upon receipt of permit fees and further subject to the condition that sufficient water be left flowing at the spring sites for the watering of wildlife in the area.

Respectfully submitted,

  
Roland D. Westergard  
State Engineer



RDW:BLR:sk

Dated this 6th day  
of October, 1976.