

IN THE MATTER OF APPLICATION NO.)
12524 IN NAME OF JULIUS REDELIUS)
TO APPROPRIATE THE WATERS OF AN)
UNNAMED SPRING, WASHOE COUNTY,)
NEVADA.)

RULING

Application No. 12524 was filed July 6, 1948 by Julius Redelius to appropriate 1.0 c.f.s. of water from an Unnamed Spring for mining, milling and domestic purposes. The proposed point of diversion was given as being within the NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 10, T. 20 N., R. 18 E.

On September 16, 1948 a protest was filed by Louise S. Heinz to the granting of a permit under said application. On October 7, 1948 a protest to the granting of a permit was filed by A. E. Anderson.

A field investigation was made on April 13, 1949 by J. A. Millar, Office Engineer. Mr. Millar was accompanied by Louise S. Heinz and A. E. Anderson, Protestants; Applicant Julius Redelius and Pete Hoffman.

From the information contained in the field report, it appears that the source applied for is at the head of what is known as "Jenny Canyon" that leads to the Anderson Ranch some two miles to the northeast. A short distance below where the spring issues from the ground, the water flows into a fenced pond and a short pipe conveys the water to an old wooden trough that was leaking badly. The leak from the trough and the overflow from the pond flowed into an excavation made by a bulldozer. It was estimated that the flow on the date of investigation was about 0.2 c.f.s., a good portion of which was derived from the surrounding snow banks. The normal flow was judged to be from 10 to 15 gallons per minute.

The records of the office of State Engineer show that Protestant A. E. Anderson is the owner of Certificate No. 2129 issued under Permit No. 8835 for 0.031 c.f.s. or sufficient to water 5000 sheep from the same source applied for under Application No. 12524. Mr. Anderson is also the owner of Certificate No. 504, subject of Permit No. 2240 for 0.0078 c.f.s. for the irrigation of 0.78 acres of land and for domestic purposes. The point of diversion is about one mile below in Jenny Canyon.

Subsequently, and on May 3, 1949, the protest of Louise S. Heinz and Edna Sweeney was withdrawn.

The basis of the protest by A. E. Anderson is that the granting of said application would invade and impair his existing rights; that the said source constitutes water which has been developed by protestant and his predecessors in interest; that there

is no unappropriated water in the source and that the character of use applied for would pollute the waters and render them unfit for the existing user.

Subsequent to the field investigation, Applicant Redelius and Protestant Anderson met on several occasions but no agreement could be reached.

In general, we find that the use of water for mining and milling purposes does not conflict with other uses, where the quality of the water is not changed, when such use is non-consumptive and does not interfere with the existing manner of use. Mining and stock raising are two of Nevada's major industries and are compatible. In instances where we find that the co-use of the waters from a single source for stockwatering and milling purposes will not interfere with the existing rights, whichever it may be, it is our practice to issue permits and to include therein certain provisions for the protection of the prior rights.

In the instant case, it is our considered opinion that with certain requirements on the part of the applicant, the use of water under Application No. 12425 would not impair the rights of protestants.

RULING

The protest of A. E. Anderson to the granting of a permit under Application No. 12524 is herewith overruled and a permit will be issued to Applicant Julius Redelius or his successors in interest in the amount of 0.5 c.f.s. subject to the following provisions:

1. Applicant Redelius to pipe the water from the spring into a storage tank of at least 2500 gallons capacity and equipped with a valve at the bottom of the tank to facilitate the release of water into whatever type of watering facilities Protestant Anderson might install. The pipe from the spring to the storage tank, together with the storage tank is to be installed by Applicant Redelius at his own cost.
2. Applicant Redelius' outlet pipe from the storage tank is to be installed above the 2500 gallon capacity line so as to insure Mr. Anderson an adequate amount of water at any time he needs it for stockwatering purposes.
3. In the operation of the mill by Applicant Redelius, it is definitely understood, as a condition of said permit, that no poisonous chemicals be used that would in any way be injurious to stock or for irrigation purposes.

4. Applicant Redelius is to construct sufficient settling ponds below his mill to collect and hold the debris released from said mill and provisions must be made for the water settling in such ponds to reach their former channel for use lower down by Protestant Anderson.

Respectfully submitted,



ALFRED MERRITT SMITH
State Engineer

Dated this 20th day of July, 1950.