

IN THE MATTER OF APPLICATION 22514 )  
TO APPROPRIATE THE WATERS OF TICKABOO )  
SPRING IN LINCOLN COUNTY, NEVADA. )

R U L I N G

GENERAL:

169A  
Application 22514 was filed on March 29, 1965, by G. A. Anderson for 0.25 c.f.s. of the waters from Tickaboo Spring to be used for mining, milling and domestic purposes. The point of diversion is shown as being within the SE $\frac{1}{4}$  of the SW $\frac{1}{4}$  of Section 1, Township 5 South, Range 55 East, M.D.B. & M., and the place of use is within the E $\frac{1}{2}$  of the NW $\frac{1}{4}$  and the W $\frac{1}{2}$  of the NE $\frac{1}{4}$  of Section 36, Township 4 South, Range 55 East, M.D.B. & M.

This application was protested on August 30, 1965, by William T. Stewart, on the following grounds:

"In the Spring of 1911 I purchased from JOSEPH L. SHARPE and JOHN RICHARDS their cattle and range and stock watering rights in the area known as the Bally Mountain Range, Lincoln County, Nevada. This purchase included the right to use the water of Old Tickaboo Spring located in the NE $\frac{1}{4}$  of the SW $\frac{1}{4}$  of Sec. 1, Township 5 South. Sharpe and Richards acquired their range and water rights by prior usage running back before 1900. I have used the water of Old Tickaboo Spring to water my range cattle continuously since the spring of 1911."

On April 27, 1915 a claim of vested right on Old Tickaboo Spring was made by the filing of a Proof of Appropriation of Water For Stock Watering Purposes, No. 01374, by W. T. Stewart, Sr. and W. T. Stewart, Jr. The Proof claimed 1/20 cubic feet per second, (22.44 gallons<sup>o</sup> per minute), for 25 to 100 animals during each year. The amount of water required to water 25 cattle or horses is 0.35 gallons per minute and the amount of water required to water 100 cattle or horses is 1.4 gallons per minute.

A field investigation was made in the matter of Application 22514 on September 8, 1966, and the flow of the spring was measured and determined to be 1.2 gallons per minute.

OPINION:

The limit and extent of the claim of vested right filed under Proof No. 01374 has not been determined. At the time of the investigation there was water available for Mr. Stewart's cattle as the water from the spring flowed from an iron pipe buried in the spring which discharged into a bathtub from which the cattle drank and then into a plastic pipeline which carries the water to the mine and millsite. All of the flow from the spring was contained in the iron pipe.

RULING

The protest to the granting of Application 22514 is herewith overruled. A Permit will be issued under Application 22514 upon receipt of the statutory Permit fee. The Permit will be issued subject to all existing rights on the source and with the understanding that if at the time of an adjudication of Old Tickaboo Spring it is determined that the claim of vested right is valid and that there is only enough water from the spring to serve said vested right, that the Permit and or Certificate issued under Application 22514 will be null and void. The Permit will be issued with the provision that water will be made available for the watering of Mr. Stewart's cattle in the same or similar manner as existed at the time of the field investigation.

Respectfully submitted,

  
Roland D. Westergard  
Assistant State Engineer

Dated this 8th

day of December 1966