

IN THE MATTER OF APPLICATIONS 18482)
AND 20908 BY MILT ANDREAS AND SAM)
BIDA TO APPROPRIATE WATER FROM AN)
UNDERGROUND SOURCE IN NYE COUNTY,)
NEVADA.)

R U L I N G

On December 16, 1959, Milt Andreas and Sam Bida filed Application 18482 to appropriate water from an underground source near Locke's Hot Springs for power purposes. The point of diversion is in the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 15, T. 8N., R. 55E., M.D.B.&M. The place of use is in the W $\frac{1}{2}$ NE $\frac{1}{4}$, Section 15, T. 8N., R. 55E., M.D.B.&M.

Application 18482 was protested on June 14, 1960 by Locke and Titus; the reason being that the water, the subject of the application, is fully appropriated.

Application 20908 was filed on December 26, 1962, by Sam Bida and Milt Andreas to divert water from an underground source for power purposes. The point of diversion is in the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 15, T. 8N., R. 55E., M.D.B.&M., and the place of use is in the same 40 acre subdivision.

Application 20908 was protested on October 17, 1963 by H. H. Ormsher and Harold Lake. The reasons for protest are that the owners and their predecessors in interest have used the waters of Locke's ranch for irrigation, stock, and domestic use since 1883. Any substantial diversion of any of this water would cause them undue hardship and financial loss.

Five Proofs of Vested Rights have been filed on Locke's Springs - 02533, 02534, 02535, 02536, and 02537. These all stand in the name of Cal Worthington and are for irrigation, stockwatering, and domestic use. The points of diversion under these proofs are in the SW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NE $\frac{1}{4}$ and the SE $\frac{1}{4}$ NE $\frac{1}{4}$ (two springs), Section 15, and the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 14, T. 8N., R. 55E., M.D.B.&M. The place of use encompasses approximately 415 acres of patented land in the NW $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, and the N $\frac{1}{2}$ SW $\frac{1}{4}$, Section 14, SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, and the SE $\frac{1}{4}$ of Section 15, T. 8N., R. 55E., M.D.B.&M.

Field investigations were made of Application 18482 on September 18, 1967 and of Application 20908 on September 20, 1967. The investigations and supporting maps show the proposed points of diversion to be close to the springs and in fact within the same 40 acre subdivisions as some of the springs.

OPINION:

It is the opinion of this office that the granting of Applications 18482 and 20908 would tend to impair the value of existing vested rights, the limit and extent of which have not been determined

RULING

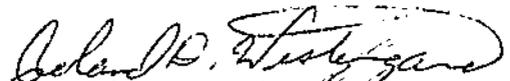
(2)

18482, 20908

RULING

The protests to the granting of Applications 18482 and 20908 are hereby sustained and Applications 18482 and 20908 are hereby denied on the grounds that their granting would tend to impair the value of existing rights.

Respectfully Submitted,


Roland D. Westergard
State Engineer

RDW:JLC:jb

Dated This 5th Day
of February, 1968.