

IN THE MATTER OF APPLICATION 25420)
FILED BY M. L. TATE TO APPROPRIATE)
THE WATERS OF SOUTH SPRING IN ELKO)
COUNTY, NEVADA.)

R U L I N G

GENERAL:

176 Application 25420 was filed by M. L. Tate on January 7, 1970, to appropriate 1.0 c.f.s. of water from South Spring for irrigation and domestic purposes. The proposed point of diversion is within the SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 10, T. 31 N., R. 59 E., M. D. B. & M. The proposed place of use is 200 acres within portions of Sections 3, 10, and 11, of the said township.

Application 25420 was protested by the U. S. Department of Interior, Bureau of Land Management on March 6, 1970, on the grounds that the water of South Spring has been developed to its full capacity, and as the water is fully appropriated by the Federal Government, there is no water for the applicant to appropriate. The protest also states the proposed point of diversion is within the boundaries of the Humboldt National Forest, and that through an agreement with the Forest Service, the Bureau of Land Management has developed the source and constructed 2.1 miles of pipe-line to convey water for stock-watering purposes, at an expense of \$5,000.00.

There are no rights of record in this office to appropriate the waters of South Spring.

RULING

The protest to Application 25420 is hereby overruled, and a permit will be issued, subject to existing rights, upon payment of the statutory permit fees; with the understanding that no rights of ingress or egress to the proposed source are thereby granted.

Respectfully submitted,


Roland D. Westergard
State Engineer

RDW:JCP:kjm

Dated this 15th day of
May, 1970.