

IN THE MATTER OF APPLICATION 18481 AND)
APPLICATION TO CHANGE 22616 FILED BY)
MILT ANDREAS AND SAM BIDA TO APPROPRIATE)
THE WATERS OF MONTE NEVA HOT SPRINGS)
(UNDERGROUND) LOCATED IN WHITE PINE)
COUNTY, NEVADA)

R U L I N G

GENERAL:

Application 18481 was filed on December 16, 1959 by Milt Andreas and Sam Bida to appropriate 3.0 c.f.s. of the waters of Mount Neva Hot Springs for power purposes. The point of diversion is located within the SW $\frac{1}{2}$ SW $\frac{1}{2}$ Sec. 24, T. 21N., R.63E., MDB&M and the place of use is within the SE $\frac{1}{2}$ SE $\frac{1}{2}$ Sec. 23, T.21N., R.63E., MDB&M. A protest was filed against this application on June 6, 1960, by Gust D. and John D. Assuras on the following grounds:

"That it would impair and conflict with the value of existing rights; that it would be against public policy to grant said application, and contrary to statute; that the granting of said application would interfere with the customary use of protestant's grazing of said areas; that the said application to appropriate is further protested on the grounds that it would conflict with the rights now held or owned by Protestant to the use of said water for agriculture and irrigation purposes."

Application 22616 to change the point of diversion of application 18481 was filed on June 12, 1965, by Milt Andreas and Sam Bida. This application proposes to change the point of diversion of 3.0 c.f.s. of water heretofore applied for under application 18481 to the NE $\frac{1}{2}$ NE $\frac{1}{2}$ Sec. 23, T.21N., R.63E., MDB&M. The place of use will remain the same as that under application 18481. This application was protested on November 8, 1965, by John D. Assuras on the following grounds:

"That it would impair and conflict with the value of existing rights; that it would be against public policy to grant said application and contrary to statute; that the granting of said application would interfere with vested and certificated rights of Protestant."

Existing rights on Monte Neva Hot Springs are as follows: Permit 123-Certificate 538 for 3.0 cfs of water for irrigation purposes. The point of diversion is located in the S $\frac{1}{2}$ SW $\frac{1}{2}$ Sec. 24, and N $\frac{1}{2}$ NW $\frac{1}{2}$ Sec. 25, T.21N., R.63E., MDB&M, and the place of use is 240 acres located in the SE $\frac{1}{2}$ Sec. 24, and N $\frac{1}{2}$ SW $\frac{1}{2}$ Sec. 25, T.21N., R.63E., MDB&M. The owner of record is John D. Assuras.

Permit 18438 - Certificate 5902 is for 0.372 cfs of water for irrigation purposes. The point of diversion is located in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 24, T.21N., R.63E., MDB&M and the place of use is 139.455 acres in the N $\frac{1}{4}$ SW $\frac{1}{4}$ and SE $\frac{1}{4}$ Sec. 24, T.21N., R.63E., MDB&M. The owner of record is John D. Assuras.

Field investigations in the above matter were made on May 13, 1965, and on August 4, 1965.

Result of the field investigations indicate that by virtue of moving the point of diversion under application 18481 and the nonconsumptive use, the possibility of interference with the flow of Monte Neva Hot Springs is decreased. It will be necessary that measuring devices be installed at the point of diversion under application 22616 and the spring source. Accurate pumping records and flow records on both the proposed well and spring must be kept, in order to determine if the springs are affected by pumping under application 22616.

RULING

The protest to the granting of applications 18481 and 22616 are herewith overruled and a permit will be issued, under application 18481 subject to existing rights upon receipt of the statutory permit fees with the understanding that a permit will be granted under application 22616 immediately approving the change in point of diversion and place of use of permit 18481. Nothing in this ruling shall be construed as granting any rights of ingress or egress.

Respectfully submitted


Roland D. Westergard
State Engineer

Dated this 11th day
of February, 1971

RDW:PGM:jn