

IN THE MATTER OF APPLICATION )  
28449 TO APPROPRIATE WATER )  
FROM AN UNNAMED SPRING IN )  
LINCOLN COUNTY, NEVADA. )

R U L I N G

201

GENERAL:

Application 28449 was filed June 25, 1974 in the name of Sylvia G. Tait to appropriate 0.2 c.f.s. of water from an Unnamed Spring located within the SW $\frac{1}{4}$  SE $\frac{1}{4}$  Section 17, T.5N., R.69E., M.D.B.&M. for the irrigation of 80 acres within the SW $\frac{1}{4}$  NE $\frac{1}{4}$  and W $\frac{1}{2}$  SE $\frac{1}{4}$  Section 17 and the NW $\frac{1}{4}$  NE $\frac{1}{4}$  Section 20, both in T.5N., R.69E., M.D.B.&M.

A protest to the granting of Application 28449 was filed November 18, 1974 by Wayne Pearson on the grounds that "there is not enough water in said source and that the source has already been filed upon (Cert. Nos. 3251 and 7937); because G-1 Real Estate Deeds page 12 of Lincoln County records shows that Bank of Southern Utah sold to Orson Tait 160 acres of land without water rights". The protest seeks denial of Application 28449.

A field investigation into the matter of protested Application 28449 was conducted on May 15, 1975. As a result of that investigation, it was determined that the manner of use of the water applied for by Application 28449 was in error and that the applicants intent was actually to use the water from the Unnamed Spring for stock and domestic purposes rather than for the irrigation of 80 acres. The flow of the Unnamed Spring at the time of the field investigation was approximately four to five gallons per minute which is reportedly relatively constant throughout the year and would, therefore, support very little irrigation.

Because the application was in error regarding the intended manner of use, the applicant requested that she be allowed to file an application to change the manner of use from irrigation to stock and domestic before ruling on the protest to Application 28449. A 30-day period was therefore allowed for the filing of such an application to change with no predetermination being made by the State Engineer on whether or not such an application would be approved or denied. Subsequently, on August 27, 1975 Application 29605 was filed by Sylvia G. Tait to change the manner of use of Application 28449 from irrigation to stock watering and domestic. Application 29605 became ready for action by the office of the State Engineer on February 27, 1976.

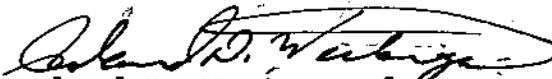


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RULING:

The protest to the granting of Application 28449 is herewith overruled and a permit will be issued subject to existing rights in the amount of 0.0223 c.f.s. upon receipt of the statutory permit fees. Application 29605 to change the manner of use and place of use of Permit 28449 will then be issued in the amount of 0.0223 c.f.s. for stock watering and domestic purposes.

Respectfully submitted,

  
Roland D. Westergard  
State Engineer

RDW/BAR/lk

Dated this 13th day  
of April, 1976.