

IN THE MATTER OF APPLICATIONS 31243)
AND 31254 THROUGH 31257 INCLUSIVE,)
FILED BY FRANK W. LEWIS)

R U L I N G

GENERAL:

Application 31243 was filed on March 28, 1977 in the name of Frank W. Lewis to appropriate 0.03 c.f.s. of water from Paul Spring. The proposed point of diversion is to be located within the SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 17, T.16N., R.58E. Water is to be used for mining, milling and domestic purposes.

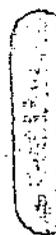
Applications 31254 through 31257 inclusive, were filed on March 29, 1977 in the name of Frank W. Lewis to appropriate 0.03 c.f.s., 0.03 c.f.s., 1.5 c.f.s., and 2.0 c.f.s. respectively, from Reed Spring, Mokomoke Spring, Unnamed Stream and another Unnamed Stream. The proposed points of diversion are located within the SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 20, SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 17, NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 18 and SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 18, T.16N., R.58E., respectively, and the water is to be used for mining, milling and domestic purposes.

A timely protest to the granting of Application 31243 was filed on May 16, 1977 in the name of Halstead-Forsgren Ranches, Inc. This protest seeks denial of the application on the 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 statutes. That the granting of said application would interfere with customary use of protestant's existing and vested water rights as represented by protestant's Permit No. 7943 and protestant's Certificate No. 2045."

Timely protests to the granting of Application 31243 and 31254 through 31257 inclusive, were filed by the Nevada Department of Fish and Game on June 9, 1977. These protests request that the applications be: "Issued subject to the condition that sufficient water is left at the spring source in such a manner that water is available to wildlife and that the appropriate measures be taken to protect wildlife from entrapment in the plastic lined ponds and from any contaminated water."

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Timely protests to the granting of Applications 31254 through 31257 inclusive, were filed on May 16, 1977 in the name of Halstead-Forsgren Ranches, Inc. These protests seek denial of the applications on the grounds that: "It would impair and conflict with the value of existing rights and it would "be against public policy to grant said application and contrary to statutes. That the granting of said application would interfere with the customary use of protestant's existing and vested water rights."

Applications 31243 and 31254 through 31256 inclusive, became ready for action by the State Engineer's office on June 19, 1977.

A field investigation into the matter of protested Applications 31243 and 31254 through 31256 inclusive, was conducted on July 12, 1977. As a result of that field investigation and research of records of the Nevada State Engineer's office, the following has been determined:

Paul Spring, under Application 31243, has an existing right on it in the name of Halstead-Forsgren Ranches, Inc., Permit 7943, Certificate 2045, for 0.009 c.f.s. or sufficient water for 1200 sheep and 40 cattle. No flow measurement on Paul Spring is available due to there being no outflow from the pond which impounds all spring flow.

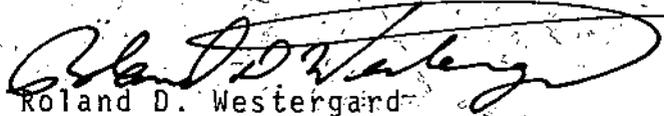
Read Spring, under Application 31254, was found to produce approximately 5 gallons per minute (0.011 c.f.s.). An existing right on Read Springs, Permit 8659, Certificate 1908, is held by Malcolm McLeash for 0.0046 c.f.s. for mining and domestic purposes. Therefore, there is unappropriated water available from Read Spring.

The State Engineer's records indicate that there are no existing rights on Mokomoke Spring (Application 31255), Unnamed Stream (Application 31256), or Unnamed Stream (Application 31257) and the flow from these sources is, therefore, available for appropriation.

RULING:

The protests to the granting of Applications 31243 and 31254 through 31257 inclusive, are herewith overruled and permits will be issued subject to existing rights upon receipt of the statutory permit fees.

Respectfully submitted,



Roland D. Westergard
State Engineer

RDW/JPH/dc

Dated this 14th day
of September 1977.