

IN THE MATTER OF APPLICATIONS NOS.  
17285 AND 18617, FILED BY ALVIN  
AND LUCILLE K. DELANEY, AND APPLI-  
CATION NO. 18371, FILED BY DORIS T.  
SHELLABARGER ON AN UNNAMED SPRING  
IN DOUGLAS COUNTY, NEVADA.

R U L I N G

General:

The following applications have all been filed on the same unnamed spring. The points of diversion are all located within the NW $\frac{1}{4}$  NW $\frac{1}{4}$  Section 25, T. 13 N., R. 18 E., M.D.B.&M.

90 Application No. 17285 was filed on May 31, 1957, to appropriate 0.024 c.f.s. of water for Quasi-Municipal (Subdivision) purposes.

A protest to the granting of this application was filed on September 24, 1957, by Lloyd Shellabarger.

Application No. 18617 was filed on March 4, 1960, to appropriate 0.25 c.f.s. of water for domestic and fire protection purposes.

A protest to the granting of this application was filed on June 9, 1960, by Doris Shellabarger Rohrer.

Application No. 18371 was filed on October 14, 1960, to change the point of diversion and place of use of 0.36 c.f.s. or 64.8 acre-feet per annum of water appropriated under Proof No. 02388, Edgewood Creek Decree, Case No. 1927, First Judicial District Court, Douglas County, Nevada.

DE'S (DMA) SURF

Protests to the granting of this application were filed as follows:

On February 24, 1960, by the Park Cattle Company;

On March 4, 1960, by Alvin and Lucille K. Delaney;

On March 14, 1960, by Earle F. Pankost;

On March 21, 1960, by the Lindberg Investment Company.

A field investigation of these applications was made on October 14, 1960. It was found that the unnamed spring is located approximately 100 feet north of the Smalls' (Edgewood) Creek channel, and flows in a southerly direction directly into the channel. The spring was flowing approximately 0.10 c.f.s. of water. Application No. 18371 was filed to change all of the waters decreed under Proof No. 02388, and office records show that the applicant owns a one-half interest in the water rights under this proof.

Opinion:

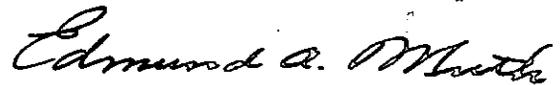
It is the opinion of this Office that the unnamed spring applied for under these applications is a tributary of Edgewood Creek and that granting applications to appropriate water on this source would interfere with existing decreed water rights on the Smalls' (Edgewood) Creek stream system.

RULING

The protests to the granting of Applications Nos. 17285 and 18617 are herewith sustained and the applications are denied on grounds that their granting would impair the value of existing rights and would be detrimental to the public welfare.

The protests to the granting of Application No. 18371 are herewith overruled on grounds that the granting of this application will not impair the value of existing rights or be otherwise detrimental to the public welfare. A permit will be issued under this application in the amount of 0.18 c.f.s. not to exceed 32.4 acre-feet per annum, which is equivalent to the one-half interest owned by the applicant of the decreed water rights under Proof No. 02388.

Respectfully submitted,



EDMUND A. MUTH  
State Engineer

Dated this 24th day of  
January, 1961.