

IN THE MATTER OF APPLICATIONS 17327)
AND 17328 FILED BY MRS. H. H. HEISLER)
ON JULY 10, 1957, TO APPROPRIATE THE)
WATERS OF MIDDLE INDIAN SPRING AND)
UPPER INDIAN SPRINGS, RESPECTIVELY,)
BOTH FOR QUASI-MUNICIPAL AND DOMESTIC)
PURPOSES IN NYE COUNTY, NEVADA)

R U L I N G

DESCRIPTION OF APPLICATIONS:

Application 17327 was filed by Mrs. H. H. Heisler on July 10, 1957, to appropriate 2.0 c.f.s. of the waters of Middle Indian Spring at a point within the NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 26, T. 11 S., R. 46 E., M.D.B.& M., or at a point from which the S $\frac{1}{4}$ corner of said Section 26, bears S. 22°55' E., 1,792 feet. The water is to be used for quasi-municipal and domestic purposes the year around within the SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 9, T. 12 S., R. 46 E., M.D.B.& M.

Application 17328 was filed by Mrs. H. H. Heisler on July 10, 1957, to appropriate 2.0 c.f.s. of the waters of Upper Indian Springs at a point within the NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 26, T. 11 S., R. 46 E., M.D.B.& M., from which the S $\frac{1}{4}$ corner of said Section 26 bears S. 43°10' E., 3,488 feet. The water is to be used for quasi-municipal and domestic purposes the year around within the SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 9, T. 12 S., R. 46 E., M.D.B.& M.

The waters from the two sources are to be commingled in a common pipeline which will convey the water to the place of use, the town of Rhyolite, Nevada.

PROTESTS:

Protests to the granting of the two applications were filed by Jim Daniels on September 9, 1957, on the grounds that the waters sought to be appropriated are within the range he leased from the government under Section 15 Lease, and to grant permits would impair and hinder his stock watering.

GENERAL:

Existing water rights of record in the Nevada State Engineer's office do not show stock watering rights on these sources in the name of Jim Daniels.

Only water right on the two sources under Applications 17327 and 17328 is that under Certificate 1167 issued to Mildred A. Childress and

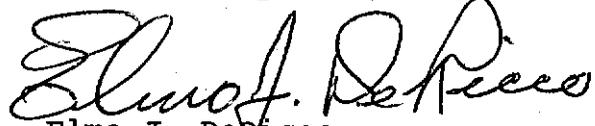
Lotta M. Martin on January 13, 1926, under Application 6083. This certificate designates the two sources as Upper Indian Springs - (Two Springs, Nos. 1 and 2) Spring No. 1 (Same as Upper Indian Springs - Application 17328) is within the NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 26, T. 11 S., R. 46 E., M.D.B. & M., and Spring No. 2 (Same as Middle Indian Spring - Application 17327) is within the NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 26, T. 11 S., R. 46 E., M.D.B. & M. The amount of appropriation under Certificate 1167 is 0.0004 c.f.s., one-half of which is from each spring. The water is for watering 125 head of cattle during the period October 1 to July 31 of the following year of each year. The priority of appropriation is May 1, 1920.

RULING

The protests to the granting of Applications 17327 and 17328 are herewith overruled on the grounds that the granting thereof will not interfere with range rights of protestant.

Permits will be issued under Applications 17327 and 17328 subject to existing rights and upon receipt of the statutory permit fees. If permits are granted, they will not jeopardize the use of the Federal range by protestant.

Respectfully submitted,



Elmo J. DePuccio
State Engineer

Dated this 12th day of
April, 1963.