

IN THE MATTER OF APPLICATION 22173)
FILED TO APPROPRIATE THE WATER OF)
OLD TICKAPOO SPRING IN LINCOLN)
COUNTY, NEVADA.)

R U L I N G

GENERAL:

167A
Application 22173 was filed on August 11, 1964, by C. A. Anderson for 1.0 c.f.s. of the waters from Old Tickapoo Spring to be used for mining, milling and domestic purposes. The point of diversion is shown as being within the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 1, Township 5 South, Range 55 East, at a point from which the NE corner of Section 36, Township 4 South, Range 55 East, M.D.B. & M. bears N. 27° 45' E. a distance of 9800 feet. The place of use is within the SW $\frac{1}{4}$ of Section 25, Township 4 South, Range 55 East, M.D.B. & M.

This application was protested on December 21, 1964, by Wm. T. Dell and Dan Stewart, on the following grounds:

"Old Ticapoo Spring has for many years been used for stock watering purposes and under the Taylor Grazing Act is considered and recognized as base property for the protestants. Furthermore, Old Ticapoo Spring is small and only produces water varying according to rain and snow fall in amounts of three to fifteen gallons per minute which could hardly fulfill the requirements of a mining and milling community.

If application No. 22173 should be approved the protestants would suffer financial loss."

The records of the Division Of Water Resources indicate: that no Application or Proof of Appropriation has been filed on the spring located at the point of diversion described in Application 22173.

RULING

The protest to the granting of Application 22173 is herewith overruled. A Permit will be issued under Application 22173 upon receipt of the statutory Permit fee. The Permit will be issued subject to all existing rights on the source and with the provision that the point of diversion of water from the spring be at the exact location described in the Application.

Respectfully submitted,


Roland D. Westergard
Assistant State Engineer

Dated this 8th

day of December 1966.