

IN THE MATTER OF APPLICATION 19493)
FILED FOR THE WATERS OF ROBERTS)
SPRING, ORMSBY COUNTY, NEVADA)

R U L I N G

10th
Application 19493 was filed on January 27, 1961 by M. D. Miller and F. L. Roberts to appropriate 10 c.f.s., of the waters of Roberts Spring, at a point within the SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 14, T. 15N., R. 19E., M.D.B.&M.

This application was protested on May 23, 1961 by the Carson Water Company on the following grounds: "Protestant is the owner and holder of a pre-existing vested right in and to all the waters of said spring."

An investigation into the matter of this application was made on October 14, 1964.

The Protestant, the Carson Water Company has, since the investigation on May 21, 1965, filed Proof of Appropriation, Serial No.02544, claiming a vested right to this spring as well as other sources. In this Proof of Appropriation, the Carson Water Company states that the water right was initially recorded in the County Recorder's Office in Ormsby County, on Page 59 of Book 1 of Water Rights, in accordance with Chapter 113 Statutes of 1889, the law applicable at that time for recording water rights.

At the field investigation, Applicant Miller alleged that the water was developed by means of a tunnel driven during mining operations in the late 1920s or early 1930s, however, the source of water to be appropriated is Roberts Spring.

OPINION:

It is our opinion that the source of water to be appropriated is a natural spring area. It is our further opinion that the granting of Application 19493 would tend to impair the value of an existing vested right, the limit and extent of which has not been determined.

RULING

The Protest to the granting of Application 19493 is hereby sustained and Applicant 19493 is hereby denied on the grounds that its granting would tend to impair the value of existing rights.

Respectfully Submitted,


Roland D. Westergard
State Engineer

RDW:TJS:dih

Dated this 1st day
of November, 1967