

IN THE MATTER OF APPLICATION 18483 BY)
MILT ANDREAS AND SAM BIDA TO APPROPRIATE)
WATER FROM AN UNDERGROUND SOURCE IN WHITE)
PINE COUNTY, NEVADA.)

R U L I N G

179
On December 16, 1959, Milt Andreas and Sam Bida filed Application 18483 to appropriate 3.c.f.s. of water from an underground source to be used for power purposes. The water was to be diverted from its source in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 6, T. 23 N., R. 63 E., M.D.B.&M. The place of use was in the same 40 acre subdivision.

On June 3, 1960, Application 18483 was protested by Peter Salvi, Robert Salvi, Joseph Salvi, Arthur Salvi, Rose O'Flaherty, Edith Miles and Marcus Salvi. It was protested on the grounds that it would impair and conflict with the value of existing rights; it would be against public policy to grant said application and contrary to statute; that the granting of said application would interfere with the customary use of protestants' grazing of said area and vested rights to said waters; that the said application to appropriate was further protested on the grounds that it would conflict with the rights now held or owned by protestants to the use of said water for agricultural and irrigation purposes.

On September 19, 1967, a field investigation was made in the matter of Application 18483. The field investigation showed the proposed point of diversion to be between the two spring areas which comprise Salvi Hot Springs.

OPINION:

It is the opinion of this office that the granting of Application 18483 would tend to impair the value of existing vested rights, the limit and extent of which have not been determined.

RULING

The protest to the granting of Application 18483 is hereby sustained and Application 18483 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:JLC:dih

Dated this 5th day

of February, 1968