

IN THE MATTER OF APPLICATION NO. 10864 }  
FILED BY V. E. GREENWALD TO APPROPRIATE }  
WATER FROM MONTE CRISTO SPRING WITHIN }  
NYE COUNTY, NEVADA. }

R U L I N G

GENERAL:

Application 10864 was filed on September 14, 1942, for .50 cfs of water for stockwatering purposes. The proposed source is Monte Cristo Springs and is to be diverted in the NE $\frac{1}{4}$  SW $\frac{1}{4}$  Section 28, T. 7 S., R. 46 E., M.D.B.&M. The place of use is in the same subdivision as the point of diversion.

A letter was sent to the owner of record of application 10864 on October 8, 1968, requesting additional information necessary before action could be taken on this application. A letter was received on October 22, 1968, from Lea M. Wheelwright, owner of record of Application 10864. She stated that she intended to perfect Application 10864 and to put the water to beneficial use.

A letter was sent to the Base Engineer at Nellis Air Force Base in Las Vegas, Nevada, asking if the point of diversion and place of use of this application are within the Nellis Air Force Range. A reply was received on November 6, 1968, from Neil B. Faunce, Deputy Base Civil Engineer. He stated that the proposed place of use of this application is within the Nellis Air Force Range and that the application should not be granted as the United States Air Force has extinguished all outstanding interests within this range area and will not authorize entrance to anyone interested in obtaining private interests or otherwise.

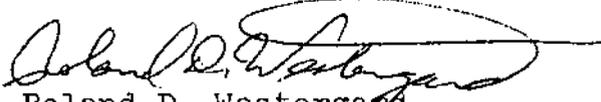
Opinion:

It is our opinion that the granting of this application for stockwatering purposes in an area where an applicant does not have a grazing permit and where the area has been withdrawn from public use would be detrimental to the public welfare.

RULING

Application 10864 is herewith denied on the grounds that its approval would be detrimental to the public welfare.

Respectfully Submitted,

  
Roland D. Westergaard  
State Engineer

RDW:RED:jb

Dated This 19th Day  
of November , 1968