

IN THE MATTER OF APPLICATIONS)
26923, 26924, AND 26925 TO)
APPROPRIATE WATER FROM SPRING)
NUMBERS 1, 2, AND 3, RESPECTIVELY)
IN STOREY COUNTY, NEVADA.)

R U L I N G

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GENERAL:

Applications 26923, 26924, and 26925 were filed August 29, 1972 in the name of Comstock Tunnel and Drainage Co. to appropriate 0.10 c.f.s. from each of Spring Numbers 1, 2, and 3, respectively.

Spring No. 1 is located within the SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 35, T.17N., R.21E., Spring No. 2 is located within the NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 3, T.16N., R.21E., and Spring No. 3 is located within the SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 3, T.16N., R.21E. The water is to be used for quasi-municipal and domestic purposes within the W $\frac{1}{2}$ W $\frac{1}{2}$ Section 1 and E $\frac{1}{2}$ E $\frac{1}{2}$ Section 2, T.16N., R.21E., M.D.B. & M.

A protest to the granting of Applications 26923, 26924, and 26925 was filed under each application on December 20, 1972, by the Nevada Department of Fish and Game on the grounds that any "development of these springs without appropriate provisions for wildlife will upset the existing ecological balance, is contrary to established prior wildlife rights and is inconsistent with the concept of multiple use". The protests seek the assurance that, if the applications are approved, they be subject to existing rights and "that a sufficient quantity (possibly the entire flow) be left available to the dependent wildlife species".

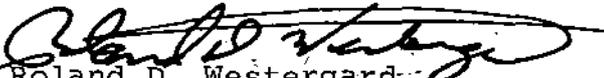
A field investigation into the matter of protested Applications 26923, 26924 and 26925 was conducted on February 7, 1974. Subsequent to that investigation, a meeting was held on March 7, 1974 which was attended by the applicant, representatives of the Nevada Department of Fish and Game, and a representative of the Nevada Division of Water Resources. This meeting was held for further discussion between the applicant and protestant regarding the release of water for dependent wildlife in the area of the springs. On December 16, 1974 a written agreement was received by the State Engineer's office whereby Comstock Tunnel and Drainage Co. assumes responsibility for allowing 20% of the developed spring flow to remain available for the protection of the native flora and fauna.

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RULING:

No ruling is made on the protests. Permits will be issued under each application subject to existing rights upon receipt of the statutory permit fees.

Respectfully submitted,


Roland D. Westergard
State Engineer

RDW:BAR:sk

Dated this 29th day
of January, 1976.