

IN THE MATTER OF APPLICATION 22869)
FILED BY JACK W. BAY TO APPROPRIATE)
WATERS OF AN UNNAMED SPRING IN DOUGLAS)
COUNTY, NEVADA)

R U L I N G

Application 22869 was filed on November 24, 1965, by Jack W. Bay to appropriate 0.1 c.f.s. from an unnamed spring for quasi-municipal and domestic purposes. The point of diversion is to be located within the SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 4, T. 13 N., R. 19 E., M.D.B.&M., and the place of use is within portions of the SE $\frac{1}{4}$ NE $\frac{1}{4}$ and NE $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 4.

Remarks on the application include the following: "General domestic for two dwellings, irrigation for landscaping, fish ponds, and other beautification, lawns." The application indicates that this area to be irrigated totals 12 acres.

The application was protested on March 9, 1966 by Genoa Cemetery District on the grounds: "That all of the waters of said unnamed spring have been appropriated by Genoa Cemetery District and there is no water available from said unnamed spring for appropriation." The application was also protested on March 18, 1966, by Genoa Co., Inc., a corporation, on the following grounds: "The waters of said spring have for many years past and long prior to 1905 been beneficially used, and by such use appropriated by Protestant's predecessors in interest; that said waters have been used for stock watering, as well as irrigation."

A field investigation at which both the applicant and protesters were represented was held on July 12, 1966. The investigation disclosed that the proposed point of diversion is located approximately 30 feet downstream, and approximately 12 feet lower in elevation than the point of diversion for waters referred to in the protests. The spring area extends several hundred feet upstream from the points of diversion described. At the time of the investigation there was water rising and standing at several points at and above the point of diversion of waters described in the protest and a small quantity was being diverted into a pipeline at this point. There was no flow in the channel throughout the spring area. There was no water rising at or below the proposed point of diversion under Application 22869. However, there is vegetation growth in the channel at this point, indicating that water may be available for development.

There are no rights of record in the office of the State Engineer on the spring in question. The existence, limit and extent of any vested rights on the source would be determined by adjudication proceedings. Any subsequent rights issued on the source would be subject to existing rights.

RULING

The protests of the Genoa Cemetery District and the Genoa Co., Inc., a corporation, to the granting of Application 22869 are overruled and a permit will be issued subject to existing rights upon receipt of permit fees.

Respectfully Submitted,

GEORGE W. HENNEN
State Engineer


Roland D. Westergard
Assistant State Engineer

RDW:jb
Certified Mail

Dated this 14th day
of July, 1966