

IN THE MATTER OF APPLICATION NO. 24173 )  
FILED BY DOMENICO LAMBERTUCCI TO )  
APPROPRIATE WATER FROM LIBERTY SPRING )  
WITHIN NYE COUNTY, NEVADA )

R U L I N G

GENERAL:

Application 24173 was filed on October 11, 1967 by Domenico Lambertucci to appropriate 1.0 cfs of water from Liberty Spring for irrigation and domestic purposes. The point of diversion is described as being within the NW $\frac{1}{4}$ SE $\frac{1}{4}$  Section 16, T. 5 N., R. 42 E., M.D.B.&M., and the place of use is described as 200 acres within the S $\frac{1}{2}$ SW $\frac{1}{2}$  Section 27, S $\frac{1}{2}$ SE $\frac{1}{2}$ , and SE $\frac{1}{2}$ SW $\frac{1}{2}$ , Section 28, NE $\frac{1}{4}$ , E $\frac{1}{2}$ NW $\frac{1}{2}$ , NE $\frac{1}{4}$ SW $\frac{1}{2}$ , N $\frac{1}{2}$ SE $\frac{1}{2}$  Section 33, NW $\frac{1}{4}$ NW $\frac{1}{4}$  Section 34, all in T. 3 N., R. 42 E., M.D.B.&M.

The records in this office show that on January 29, 1951, John J. Casey filed Application 13621 to appropriate water from Liberty Spring. Certificate 4245 was issued under this permit on December 1, 1955 for .032 cfs of water or sufficient to water 1,000 head of cattle and 50 horses.

On February 26, 1951, John J. Casey filed Proof of Appropriation 02383 claiming that .018 cfs of water from Liberty Spring had been used to water 500 head of cattle and 50 horses prior to 1900.

A field investigation was held in the matter of application 24173 on May 13, 1969. A measurement of the spring showed it to be producing approximately 3 1/3 gallons per minute; or .00742 cfs.

RULING

Application 24173 is hereby denied on the grounds that there are no unappropriated waters at the source and the granting of a permit under these conditions would be detrimental to the public welfare.

Respectfully submitted,

  
Roland D. Westergard  
State Engineer

RDW:rdL:jls

Dated this 13th day

of June, 1969