

IN THE MATTER OF APPLICATIONS 24635,)
24636, 24637, & 24638 TO APPROPRIATE)
WATERS FROM SPRINGS LOCATED IN LYON )
COUNTY, NEVADA. )

R U L I N G

GENERAL:

Applications 24635, 24636, 24637, and 24638 were filed by Mr. & Mrs. Norman Hill to appropriate 1.0 c.f.s. each from Garden, Tunnel, Upper Garden Creek and Bird Springs, for irrigation and domestic use. The points of diversion are located in the SW 1/4 NW 1/4 & SE 1/4 NW 1/4 Sec. 36, SW 1/4 SE 1/4 & NE 1/4 NW 1/4 Sec. 25, T.9N., R.24E., M.D.B.&M. The place of use is the SE 1/4, NW 1/4, N 1/2 SW 1/4, W 1/2 NE 1/4 Sec. 25, and S 1/2 SW 1/4, SW 1/4 SE 1/4 Sec. 24, T.9N., R.24E., M.D.B.&M.

These applications were protested by the U.S. Forest Service on the grounds that the springs are located on a national forest, they have been used to water livestock and game since pioneer times, and after the rights, established by use, of the livestock and game have been satisfied, there is not sufficient water to serve the applications.

A field investigation was held June 4, 1969, near the location of the springs. At that time, the U. S. Forest Service representative claimed that the water was not available for appropriation and cited the reservation doctrine. The applicants claim a historic right by their predecessors in interest, which is older than the national forest reserve.

There are no other water rights upon the source on record in this office.

RULING

The protests to granting permits under Applications 24635, 24636, 24637, and 24638 are hereby overruled, and permits will be issued upon receipt of the statutory fees. The granting of permits under these applications does not constitute the granting of rights of ingress or egress to the applicant.

Respectfully submitted,

Roland D. Westergard
ROLAND D. WESTERGARD
State Engineer

RDW:KAR:jw

Dated this 23rd day of

June, 1969.