

IN THE MATTER OF APPLICATIONS)
18561, 18562, 18563, and 18564)
FILED ON FEBRUARY 5, 1960, BY)
PAUL KOLLSMAN TO APPROPRIATE)
WATER FROM SPRINGS NOS. 4, 3,)
2, AND 1 RESPECTIVELY IN)
ESMERALDA COUNTY, NEVADA.)

R U L I N G

GENERAL:

117 Applications 18561, 18562, 18563, and 18564 were filed to appropriate 0.3 c.f.s. each of water from Springs No. 4, 3, 2, and 1 for mining and milling purposes. The points of diversion are as follows: Applications 18561 and 18562, SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 11, T. 1 S., R. 33 E. (unsurveyed); Applications 18563 and 18564, SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 10, T. 1 S., R. 33 E., M.D.B.&M., (unsurveyed). The proposed place of use of each application is NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 1, T. 1 S., R. 33 E., M.D.B.&M., (unsurveyed).

These applications were protested by the U.S. Forest Service on April 21, 1960, on the grounds that the springs are on National Forest land, the U. S. Forest Service has not issued permits to the applicant for entry on Forest land, and further diversions in this area would damage meadow lands having permits for grazing and also would result in reduction of the stream flow.

A field investigation of these springs was held on June 15, 1960. The springs are located near and are tributary to Trail Creek. The springs are developed by trenching and the water is conveyed from the springs to the channel of Trail Creek and the commingled waters are diverted downstream under Applications 10856, 16424, 17175 and 17176. Mr. Gardner, agent for Paul Kollman, admits the work under Applications 18561-18562 was done in 1959, on Forest Service land and that he had trespassed.

RULING

The protests to granting permits under Applications 18561, 18562, 18563, and 18564 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
State Engineer

RDW:LEP:jw

Dated this 27th day of

August, 1969.