

IN THE MATTER OF APPLICATIONS 26518,)
26519, 26520, 26521 AND 26522 FILED)
BY THE NEVADA AREA COUNCIL, BOY SCOUTS)
OF AMERICA TO APPROPRIATE WATER FROM)
SPRINGS AND IDLEWILD CREEK IN NYE)
COUNTY, NEVADA)

R U L I N G

GENERAL:

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Application 26518 was filed on February 4, 1972, by the Nevada Area Council, Boy Scouts of America to appropriate 0.02 c.f.s. of water from a spring in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 3, (unsurveyed) T.13N., R.39E., M.D.B.&M. The water is to be used for Recreation (Boy Scout Camp) and Domestic purposes on Homestead Entry Survey No. 78 in the NE $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ NE $\frac{1}{4}$ Section 8, N $\frac{1}{2}$ NW $\frac{1}{4}$ Section 9 and S $\frac{1}{2}$ SW $\frac{1}{4}$ Section 4, T.13N., R.39E., M.D.B.&M.

Application 26519 was filed on February 4, 1972, by the Nevada Area Council, Boy Scouts of America to appropriate 1.0 c.f.s. of water from Idlewild Creek in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 8 (unsurveyed) T.13N., R.39E., M.D.B.&M. The manner and place of use of the water is the same as that of application 26518.

Application 26520 was filed on February 4, 1972, by the Nevada Area Council, Boy Scouts of America to appropriate 0.20 c.f.s. of water from a spring within the NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 8, (unsurveyed) T.13N., R.39E., M.D.B.&M. The manner and place of use of the water is the same as that of application 26518.

Application 26521 was filed on February 4, 1972, by the Nevada Area Council, Boy Scouts of America to appropriate 0.01 c.f.s. of water from Idlewild Creek within the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 3 (unsurveyed) T.13N., R.39E., M.D.B.&M. The manner and place of use of the water is the same as that of application 26518.

Application 26522 was filed on February 4, 1972, by the Nevada Area Council, Boy Scouts of America to appropriate 0.30 c.f.s. of water from a spring in the NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 9 (unsurveyed) T.13N., R.39E., M.D.B.&M. The manner and place of use of the water is the same as that of application 26518.

PROTEST:

Protests to the granting of application 26518, 26521 and 26522 were filed on July 3, 1972, by the Bureau of Indian Affairs, Nevada Indian Agency. The grounds of the protest were that the proposed diversions "would take water from Indian livestock that are licensed in the area".

A field investigation on the matter of these applications was made on August 29, 1972.

All of the proposed sources lie on the western slopes of the Shoshone range within the boundaries of the Yomba Shoshone tribal grazing allotment. The tribe has grazing rights for 1,000 head of cattle from July 1st through September 30th on the allotment. A representative from the Forest Service stated that the maximum demand on the springs probably would not exceed 150 head of cattle during the month of July. He estimated that the total usage by the cattle would not exceed 1,500 gallons per day from all of the sources.

The Nevada Indian Agency is the owner of record of Proof of Appropriation 02386 for the watering of 125 head of livestock from Idlewild Creek. The proof claims a priority of 1888 for the use of 0.01 cubic feet per second. On August 17, 1972, the United States of America, Forest Service filed Proofs of Appropriation 02799, 02801, 02802 and 02803 covering the sources under applications 26518 and 26521. Each of the proofs claimed the use of 0.015 c.f.s. for the watering of 1,000 cattle and 5 horses with a date of priority of 1863.

On the date of the field investigation, two of the springs located on the old homestead entry where the Boy Scouts plan to build their camp were flowing approximately 6 gallons per minute.

RULING:

The protests to the granting of applications 26518, 26521 and 26522 are herewith overruled on the grounds that the granting of the permits would not adversely affect these existing rights or be otherwise detrimental to the public welfare. Permits will be granted under applications 26518, 26519, 26520, 26521 and 26522 upon receipt of the statutory permit fees, subject to existing rights and further subject to the provision that the applicants must provide facilities to allow sufficient water for the watering of livestock to remain flowing at the point of diversion.

Respectfully submitted,


Roland D. Westergard
State Engineer

RDW:BLR:cm

Dated this 19 day of
October, 1972.