

IN THE MATTER OF APPLICATION )  
27259 FILED BY GEORGE N. SWALLOW )  
FOR PERMISSION TO APPROPRIATE )  
WATER FROM MONTNEVA HOT SPRINGS )  
AND APPLICATIONS 27260 AND 27312 )  
FROM AN UNDERGROUND SOURCE IN )  
WHITE PINE COUNTY, NEVADA )

R U L I N G

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GENERAL:

Application 27259 was filed by George N. Swallow on February 2, 1973 for permission to appropriate 1.0 c.f.s. of water from Montneva Hot Springs for recreation purposes. The point of diversion is described as within the SW $\frac{1}{4}$  SW $\frac{1}{4}$  Section 24, T.21N., R.63E. The place of use is described as swimming pools and bathing ponds within the SW $\frac{1}{4}$  SW $\frac{1}{4}$  Section 24 and NW $\frac{1}{4}$  NW $\frac{1}{4}$  Section 25, T.21N., R.63E., M.D.B. & M.

Application 27260 was filed by George N. Swallow on February 2, 1973 for permission to appropriate 1.0 c.f.s. of water from an underground source for Quasi-Municipal purposes. The proposed point of diversion is within the SW $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 24, T.21N., R.63E. The proposed place of use is described as within the S $\frac{1}{2}$  SW $\frac{1}{4}$ , Section 24 and N $\frac{1}{2}$  NW $\frac{1}{4}$  Section 25, T.21N., R.63E., M.D.B. & M. This proposed location is approximately 75 feet southerly from the proposed point of diversion from Montneva Hot Springs.

Application 27312 was filed by George N. Swallow on February 27, 1973 for permission to appropriate 1.0 c.f.s. of water from an underground source for recreational purposes. The point of diversion is the same as described under application 27260. The place of use is described as S $\frac{1}{2}$  SW $\frac{1}{4}$  Section 24 and N $\frac{1}{2}$  NW $\frac{1}{4}$  Section 25, T.21N., R.63E., M.D.B. & M.

Certificate 538, subject of Permit 123, of record in the name of John D. Assuras was issued April 2, 1908 for 3.0 c.f.s. of water for irrigation purposes from several hot springs in the S $\frac{1}{2}$  SW $\frac{1}{4}$  Section 24, T.21N., R.63E. The place of use is described as 240 acres within the SE $\frac{1}{4}$  Section 24 and N $\frac{1}{2}$  SW $\frac{1}{4}$  Section 25, T.21N., R.63E., M.D.B. & M.

Certificate 5902, subject of Permit 18438, of record in the name of John D. Assuras, was issued May 18, 1965 for 0.372 c.f.s. of water from Montneva Hot Springs for irrigation purposes. The point of diversion is described as within the SW $\frac{1}{4}$  SW $\frac{1}{4}$  Section 24, T.21N., R.63E., M.D.B. & M. The place of use is described as 139.455 acres within the N $\frac{1}{2}$  SW $\frac{1}{4}$  and SE $\frac{1}{4}$  of said Section 24.

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Applications 27259, 27260 and 27312 were protested by John D. Assuras on April 6, 1973 on the grounds of "interference with existing water rights.....impairs and invades established water rights". The protest asked that the applications be denied.

OPINION:

A field investigation was made under these Protests on June 21, 1973 at Montneva Hot Springs. Based on this field investigation, Application 27259 cannot be granted as field data was obtained indicating no water available over and above the existing certificated water rights.

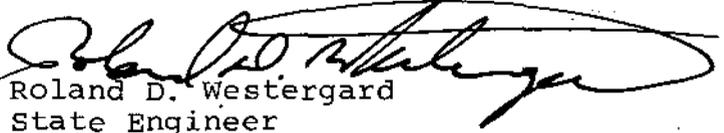
Applications 27260 and 27312 cannot be granted as field evidence indicates that any pumpage from well covered under these applications would impair or reduce the flow of Montneva Hot Springs.

RULING:

The protest filed under Application 27259 is herewith upheld and the application denied on the grounds that the granting of this application would interfere with existing water rights.

The protests under Applications 27260 and 27312 are herewith upheld and Applications 27260 and 27312 are denied on the grounds that the granting of these applications would interfere with existing water rights.

Respectfully submitted,

  
Roland D. Westergard  
State Engineer

Dated this 25th day  
of March, 1974.

RDW/RRD/bs