

IN THE MATTER OF APPLICATION)
31766 FILED BY FRANK W. LEWIS.)

R U L I N G

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GENERAL:

Application 31766 was filed on May 20, 1977 in the name of Frank W. Lewis to appropriate 0.03 c.f.s. of water from Townsite Spring. The proposed point of diversion is to be located within the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 18, T.16N., R.58E., M.D.B. & M. Water is to be used for mining, milling and domestic purposes.

A timely protest to the granting of Application 31766 was filed by the state of Nevada, Department of Fish and Game on July 19, 1977. This protest requests that the application be "issued subject to the condition that sufficient water is left at the spring source in such manner that water is available to wildlife, and the appropriate measures be taken to protect wildlife from entrapment in the plastic lined ponds and from any contaminated water".

A field investigation into the matter of protested Applications 31243 and 31254 through 31256, all in the name of Frank W. Lewis, was conducted on July 12, 1977. Townsite Spring, source of Application 31766, was inspected at that time.

No flow measurement was taken on Townsite Spring due to there being no out flow from the pond which impounds all spring flow. The State Engineer's records indicate that there are no existing rights on Townsite Spring and the flow from this source is, therefore, available for appropriation.

RULING:

The protest to the granting of Application 31766 is hereby overruled and a permit will be issued subject to existing rights upon receipt of the statutory permit fees.

Respectfully submitted,


Roland D. Westergard
State Engineer

RDW/JPH/bl

Dated this 21st day
of October, 1977.