

IN THE MATTER OF APPLICATION NO. 12046)
IN NAME OF LOUISE MORRISON TO APPROPRIATE)
THE WATERS OF MASON SPRING, AND APPLICATION :
NO. 12072 IN NAME OF BESS WESTMORELAND TO :
APPROPRIATE THE WATERS FROM A SMALL SPRING,)
NYE COUNTY, NEVADA.)

RULING

Application No. 12046 was filed December 12, 1947 by Louise Morrison to appropriate 0.25 c.f.s. of the waters of Mason Spring for irrigation and domestic purposes. The proposed point of diversion is in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 4, T. 12 S., R. 46 E. and the proposed place of use is in Blocks 21 and 22, Rhyolite Town-site and being within the SE $\frac{1}{4}$ Sec. 9, T. 12 S., R. 47 E.

On April 23, 1948 said application was protested by Bess Westmoreland.

On November 14, 1947 Application No. 12072 was filed by Bess Westmoreland to appropriate 1.0 c.f.s. of the waters of a small spring located within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 4, T. 12 S., R. 46 E. The course and distance to the S.E. corner of said Section 4 indicates that the source applied for is the same source applied for under Application No. 12046, namely Mason Spring. No protest was filed on this application.

On March 29, 1950 a field investigation was made by Mr. F. N. Dondero, Deputy State Engineer. Following the completion of the field investigation, and on May 11, 1950, a report was prepared by Mr. Dondero and is of record in this office. The recommendations made in the report were that insofar as Application No. 12046 in the name of Louise Morrison was filed prior to Application No. 12072 in name of Bess Westmoreland, and that as there appears to be no existing rights to the use of this water, that said Application No. 12046 could be granted in the amount of 0.015 c.f.s. It was further recommended that insofar as surface indication around Mason Spring points to the possibility of developing additional water, that Application No. 12072 in name of Bess Westmoreland could be approved in the amount of 0.01 c.f.s. for domestic purposes at the Casino, with the understanding that the present discharge of Mason Spring be not diminished by any new developments that may be made by Bess Westmoreland in any development made to increase the flow of water above the needs of Louise Morrison.

RULING

It is therefore ruled that the protest to granting of a permit under Application No. 12046 in name of Louise Morrison be overruled and a permit be granted, following receipt of the statutory permit fee, for the amount of 0.015 c.f.s. of water for domestic purposes, including the irrigation of a garden.

Application No. 12072 will be approved in the amount of 0.01 c.f.s. but is subject to the rights of Louise Morrison under Application No. 12046. It is understood that the diversion to the property of Louise Morrison is not to be in excess of actual needs and not to exceed 0.015 c.f.s. and that Bess Westmoreland may divert water not needed by Louise Morrison but is not to interfere with the beneficial use of water by Louise Morrison. It is further understood that, should Bess Westmoreland attempt to develop additional waters at the proposed point of diversion, that such development must not interfere with the present flow of Mason Spring.

Respectfully submitted,



ALFRED MERRITT SMITH
State Engineer

May 31, 1950.