

IN THE MATTER OF APPLICATION NO. 13396)
IN THE NAME OF ANGELO FLORIO (DECEASED),)
EUREKA COUNTY, NEVADA.)

RULING

151 Application No. 13396 was filed May 29, 1950 by Angelo Florio to appropriate the waters of Hay Ranch Well for the watering of 2,000 head of cattle and for domestic purposes from January 1 to December 31 of each year. The proposed point of diversion was given as being within the NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 22, T. 18 N., R. 51 E., M.D.B.&M.

On August 3, 1950 a protest was filed against Application 13396 by the Bartholomae Corporation, based on the grounds that the granting of a permit thereunder would infringe upon the range rights, privileges and water rights of protestant.

On August 16, 1950 a protest was filed against Application 13396 by Oscar Rudnick, Sam Rudnick and Filbert Etcheverry as Eureka Livestock Company, based on the grounds that the protestants have a vested right to all water applied for for stockwatering purposes and that the granting of said application would destroy protestant's grazing rights.

On June 9, 1952 a field investigation in the matter of this application was made by E. J. DeRicco, Field Deputy State Engineer. Present at the investigation were

Robert Wright - Representing Bartholomae Corp.
John R. Ross - Attorney for Bartholomae Corp.
Art Seales - Representing Bartholomae Corp.
A. C. Florio - Applicant
R. R. Gill - Attorney for A. C. Florio
August L. Rohwer - Range Manager, Division of Grazing,
Bureau of Land Management.

FINDINGS

From the field investigation and records of the State Engineer's office, it was found that A. C. Florio does not have any established water rights in the vicinity of the point of diversion under Application 13396; that the protestant, Bartholomae Corporation, has the following water rights all within a radius of three miles of this application - Big Pump Well under Certificate No. 2193 Permit No. 9096; Antelope Valley Channel Diversion No. 6 under Certificate No. 3816 Permit No. 12198; Cedar Creek Channel Diversion No. 3 under Certificate No. 3828 Permit No. 12210; Antelope Meadow Channel Diversion No. 1 under Certificate No. 3829 Permit No. 12211. That the point of diversion is located within 200 yards of an established stock driveway, and that the granting of Application No. 13396 would interfere with the administration of the Federal range. That the granting of Application No. 13396 would allow the cattle of applicant to graze on range lands customarily used by the Bartholomae Corporation.

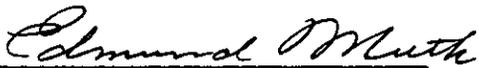
RULING

The protests to the granting of Application No. 13396 are herewith sustained and said application is denied on the grounds that the granting thereof would contravene the provisions of the Stockwatering Act of Nevada, Section 7980 N.C.L. 1929, and would be detrimental to the public welfare.

Respectfully submitted,

HUGH A. SHAMBERGER
State Engineer

By



EDMUND MUTH
Assistant State Engineer

Dated this 20th day
of January, 1953.