

IN THE MATTER OF APPLICATION 12414)
FILED BY JAMES M. DANIELS FOR)
PERMISSION TO APPROPRIATE WATER)
FROM AN UNDERGROUND SOURCE IN NYE)
COUNTY, NEVADA)

R U L I N G

GENERAL:

Application No. 12414 was filed by James M. Daniels on April 17, 1948 for permission to appropriate 0.25 c.f.s. of water from an underground source for watering of 500 head of cattle and 15 horses. The proposed point of diversion and place of use is described as within the SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 27, T. 4 S., R. 43 E. The owner of record of this application is L. C. Colvin.

A protest was filed under this application by Willard Cattle Co. on December 23, 1948 and a protest was filed by Arambel and Etchaverry on February 10, 1949.

The Willard Cattle Co. protested on the grounds "-----that it would permit the applicant to graze livestock upon the open range now controlled by waters and water rights held by said protestant."

The protest of Bertrand Arambel and/or Pete Etchaverry was filed on the grounds "-----that this application, together with other and like applications -----are filed for the purpose of range control that the area adjacent to and in general neighborhood of the said proposed application has been used for many years by the protestants and others for the winter grazing of sheep.-----"

The Bureau of Land Management was contacted by letter dated July 2, 1969 inquiring as to the range user, number and kind of animals and period of use under the range allotment on the land covered under this application. Their reply, dated July 28, 1969 states that the range user of record is Mr. L. C. Colvin who is the holder of the Section 15 grazing lease for the area in question and further states that cattle are on this range on a year round basis.

RULING

The protests against Application 12414 are herewith overruled on the grounds that the granting of a permit under this application would not interfere with any existing rights and would not be detrimental to the public welfare. A permit will be issued under this application upon the receipt of the statutory filing fees.

Respectfully submitted,


Roland D. Westergard
State Engineer

RDW:RRD:jls

Dated this 4th day

of August, 1969.