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IN THE MATTER OF APPLICATION NO.)
12122 FILED BY W. J. FORD TO): RULING
APPROPRIATE THE WATERS OF COYOTE):
SPRING.)

Application No. 12122 was filed December 4, 1947 by W. J. Ford to appropriate the waters of Coyote Spring for stockwatering purposes. The proposed point of diversion is located within the NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 6, T. 10 N., R. 37 E., M.D.M., and the amount of water applied for was for the watering of 100 head of cattle.

On March 19, 1948 a protest was filed against the granting of this application by Ralph M. Gelvin, Superintendent of the Carson Agency, on behalf of the Yomba (Reese River) Tribe of Indians. The basis of this protest was that the protestants were the successors in interest to the stockwatering rights of Frank Bell and that said Frank Bell filed Proof of Appropriation No. 01355 wherein a claim of vested rights was made on the waters of said Coyote Spring.

The records of the office of State Engineer show that the Yomba Tribe of Indians are also the owners of the following water rights in the immediate vicinity of Coyote Spring: Certificate No. 937 issued under Permit No. 5749 for the waters of an underground source at Golddyke, and Certificate No. 931 issued under Permit No. 5637 for the waters of Dieringer Spring, and being located approximately 1 $\frac{1}{2}$ miles southerly and 1 $\frac{1}{2}$ miles westerly, respectively, from said Coyote Spring. In addition, the Forest Service advised that the Yomba Tribe have full range rights of the Paradise range in the Toiyabe National Forest. The southerly boundary of the forest is about $\frac{3}{4}$ of a mile northerly of Coyote Spring.

Insofar as it appears to the State Engineer that the granting of a permit under this application would contravene the policy of Section 2 of the 1925 Stockwatering Act (Chap. 201 Statutes 1925), the State Engineer has no alternate but to sustain the protest of the Yomba Tribe of Indians and deny Application No. 12122.

Respectfully submitted,

(Signed) Alfred Merritt Smith
ALFRED MERRITT SMITH
State Engineer

Dated this 8th day of October, 1948.

COPY/lm