

IN THE MATTER OF QPPLICATIONS 10588)
AND 10698, FILED BY J. N. BRYAN FOR)
PERMISSION TO APPROPRIATE WATER FROM)
TANK CANYON SPRINGS AND PEAK SPRING)
IN CHURCHILL COUNTY, NEVADA.)

R U L I N G

GENERAL:

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Application 10588 was filed by J. N. Bryan, on November 8, 1940, for permission to appropriate 0.0234 c.f.s. of water for watering 750 head of cattle and horses from Tank Canyon Spring. The point of diversion under Application 10588 is described as within the NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 6, T.15N., R.38E., M.D.B.&M. The place of use under this application is within the same 40 acre subdivision as the point of diversion. This application was assigned down to Ellenwood Livestock Company on April 14, 1969. Protest was filed by E. B. and K. S. Cornell under this application on September 18, 1941. The protestants claimed possession of and use of the water from this source for the past 19 years and that this application would interfere with their range rights and also their Permit No. 6869.

Application 10698, was filed by J. N. Bryan on July 18, 1941 for permission to appropriate 0.0234 c.f.s. of water for 750 head of cattle and horses from Peak Spring. The point of diversion and place of use are described as within the NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 6, T.15N., R.38E., M.D.B.&M. This application was assigned down to Ellenwood Livestock Company on April 15, 1969. A protest was filed under this application by E. B. and K. S. Cornell, on September 18, 1941, on the same grounds as listed above.

Certificate 1135, subject of Permit 6869, was issued on August 28, 1925, for 0.0045 c.f.s. of water for watering 150 head of livestock. This certificate was issued to E. B. Cornell. The point of diversion under this certificate is from Buffalo Springs, located within the SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 1, T.15N., R.37E., M.D.B.&M. This certificate was assigned down to W. W. and Jessie B. Whittaker.

The Bureau of Land Management was contacted by letter dated July 28, 1969, requesting information regarding the range rights within the area covered by this application. Their reply stated that the present holder of range rights in this area is Ellenwood Livestock Company.

RULING

The protests against Application 10588 and 10698 herewith overruled on the grounds that the protestants are not range users in the area covered by this application, and a permit will be issued under this application upon receipt of the statutory permit fees.

Respectfully submitted,


Roland D. Westergard
State Engineer

RDW:RRD:jw

Dated this 4th day
of September, 1969.