

IN THE MATTER OF APPLICATIONS NOS. )  
12505 AND 12506 FILED BY EMMA G. )  
AND HARRY E. ROGERS TO APPROPRIATE :  
UNDERGROUND WATER AT A POINT IN :  
T. 10 N., R. 43 E., FOR STOCKWATERING )  
PURPOSES, NYE COUNTY, NEVADA. )

RULING

Applications Nos. 12505 and 12506 were filed June 16, 1948 by Emma G. and Harry E. Rogers to appropriate underground water from two wells, both located within the SE $\frac{1}{4}$  NW $\frac{1}{4}$  Section 22, T. 10 N., R. 43 E. The water is to be used for the watering of 250 head of cattle and 10 horses.

The following protests were filed to the granting of applications under the above numbered applications:

January 17, 1949 by Round Mountain Gold Dredging Corporation

January 21, 1949 by Armando Francisco

February 10, 1949 by Arambel and Etchaverry

On April 13, 1950 a field investigation was made by the office of State Engineer. Present were the following:

For the applicant: Emma G. Rogers and  
Harry E. Rogers, - Applicants

Katie Berg

Travis Darrow

For the protestant: Edward Oshier, Field Superintendent,  
Rnd. Mtn. Gold Dredging Corp. - Protestants

Armando Francisco - Protestant

For the State Engineer: Alfred Merritt Smith, State Engineer  
Hugh A. Shamberger, Asst. State Engineer  
Elmo DeRicco, Field Engineer

GENERAL HISTORY:

The applications are for the purpose of diverting water from two existing wells, both located upon placer mining claims owned by Protestant, Round Mountain Gold Dredging Corporation, and both wells being owned by said protestant. The well water filed for under Application No. 12505 was drilled in the fall of 1948 and is a 20" well 307' deep, fully electrically equipped and housed. This well, which will yield over 2000 g.p.m., is used to supplement the waters from Jett Canyon for milling operations at Round Mountain. This operation

is now under way and will, it is planned, continue for many years. Said use of water from this well is covered by Permit No. 12442 in the amount of 3.0 c.f.s. and stands in the name of Round Mountain Gold Dredging Corporation.

The well water filed for under Application No. 12506 is from an 8" well located about 750' from the 20" well under Application No. 12505 and is in the same forty acre tract. This well was drilled in about 1935 by A. O. Smith, predecessors of Protestant, Round Mountain Gold Dredging Corporation. At the present time no installation is on this well, although it is quite likely, according to Mr. Oshier, that this well will be equipped with a pump and electric motor similar to the other well.

Protestant Armando Francisco is the owner of Permit No. 12356 to appropriate water for stockwatering purposes from a well located about 3400 feet southerly from the proposed point of diversion under Applications Nos. 12505 and 12506.

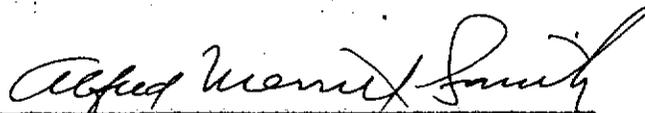
The applicants under Applications Nos. 12505 and 12506 have no existing stockwatering rights within about eleven miles from their proposed points of diversion. They do, however, have grazing permits within the forest on the westerly side of the valley. Also, it is possible that Applicants Emma and Harry Rogers have a certain customary range use in this area by the use of snow water.

We fail to find where protestants Arambel and Etchaverry have any range rights in this area.

RULING:

Due to the fact that the proposed points of diversion applied for under Applications Nos. 12505 and 12506 are from wells owned by the Round Mountain Gold Dredging Corporation and are located on placer mining claims owned by said protestants, and also due to the proximity of the proposed points of diversion from the stockwatering well owned by Armando Francisco, we are of the opinion that the protests of the Round Mountain Gold Dredging Corporation and Armando Francisco should be sustained and the said applications Nos. 12505 and 12506 denied.

Respectfully submitted,

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ALFRED MERRITT SMITH  
State Engineer

May 31, 1950.