

IN THE MATTER OF APPLICATIONS 11879 AND )  
11880 IN NAME OF VICINTI JAURISTI TO )  
APPROPRIATE THE WATERS OF UNNAMED SPRING :  
AND UNNAMED SPRING, RESPECTIVELY FOR :  
STOCKWATERING PURPOSES AND WHICH WERE )  
PROTESTED BY JULIAN GOICOECHEA. )

RULING

Applications 11879 and 11880 were filed June 20, 1947 to appropriate water from Unnamed Springs for watering 500 head of sheep. Point of diversion under application 11879 is given as being in the NE $\frac{1}{4}$  SE $\frac{1}{4}$  Section 31, T. 25 N., R. 57 E. and under application 11880 within the SW $\frac{1}{4}$  SW $\frac{1}{4}$  Section 29 and SE $\frac{1}{4}$  SE $\frac{1}{4}$  Section 30, of said township and range. On January 17, 1948 the said applications were protested by Julian Goicoechea through his attorney, Raymond T. Senior, and on January 23, 1948 by Julian Goicoechea by himself.

The basis of the protest is on the grounds that the protestant had vested rights of said springs and that the protestant has sole grazing permits from the grazing service in the area surrounding said sources of water, and that the granting of said applications would be detrimental to his existing rights.

On June 25, 1948 an informal hearing was held on these applications and was attended by Hugh A. Shamberger, Assistant State Engineer; by protestant Julian Goicoechea and his engineer Robert Millard; and by Delbert Fallon, District Grazier. Although Mr. Jauristi was notified of the meeting, he was not in attendance.

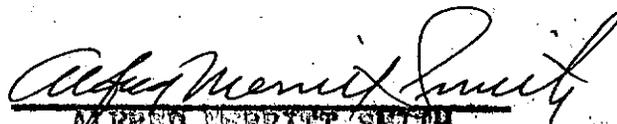
According to Mr. Fallon, District Grazier, the sources of water applied for are both located a mile or so south of the southern boundary of the Humboldt National Forest. That when the Strawberry Unit under the division of grazing was set up in 1944, the division line between Goicoechea and Jauristi was established and was agreeable to both parties. That Mr. Jauristi's range operations as set up is as follows: From April 15 to June 15 he ranges his sheep in the Strawberry Unit outside of the forest and to the west of the forest reserve; from June 16 to October 31 he ranges within the forest boundaries and from November 1 to November 30 goes back in the Strawberry Unit. Then from December 1 to December 20 he ranges in the Pancake Unit in Long Valley and goes southward. From December 20 to February 20th he ranges south of the Grazing Service District near Titus and Locke in Railroad Valley. Then between February 21st and 28th he ranges north through Duckwater and between March 1st and April 15th he trails across through the south boundary of the forest reserve into the Strawberry Unit.

From the above it is evident that Mr. Jauristi has a trail right which takes him to the north of the sources of water applied for.

It is also evident that if permits were granted to Mr. Jauristi under the above numbered applications, it would decidedly change the method of operation and his stock would range south of the forest reserve on the area on which Mr. Goicoechea has grazing permits.

It is therefore the order of the State Engineer that the above numbered applications in name of Vicinti Jauristi be denied on the grounds that the granting of permits thereon would be detrimental to the existing rights of protestant Julian Goicoechea.

Respectfully submitted,

  
ALFRED MERRITT SMITH  
State Engineer

July 20, 1948.