

IN THE MATTER OF APPLICATION )  
15012 FILED ON APRIL 30, 1953,) )  
BY ALBERT ROMEO TO APPROPRIATE )  
THE WATERS OF HERCULES GAP )  
SPRING CHANNEL FOR IRRIGATION )  
PURPOSES IN WHITE PINE COUNTY,) )  
NEVADA. )

R U L I N G

General:

Application 15012 was filed on April 30, 1953, by Albert Romeo to appropriate 1.0 c.f.s. of the waters from The Hercules Gap Spring Channel for irrigation purposes. The point of diversion is described as being in the SE $\frac{1}{4}$  SW $\frac{1}{4}$  Sec. 10, T. 17 N., R. 63 E., M.D.B.&M., and the place of use within the NW $\frac{1}{4}$  NE $\frac{1}{4}$  and the NE $\frac{1}{4}$  NE $\frac{1}{4}$  Sec. 36, T. 18 N., R. 63 E., M.D.B.&M.

On June 22, 1953, a protest was filed by the City of Ely against the granting of Application 15012. The grounds of the protest were as follows:

1. That there is no unappropriated water at the source stated in said application.
2. The protestant's claim, a vested stock watering right, the subject of Proof of Appropriation 02273.

A field investigation was made on May 11, 1965, on the above matter.

The successor in interest to the applicant under Application 15012, LaVerle F. Barnes was not present for the field investigation. Mr. Barnes was notified by certified mail of the date and time of the field investigation.

Information obtained in the field indicated that the granting of a permit under Application 15012 would tend to impair the value of existing rights since total existing appropriations exceed the amount of water available at the source.

RULING

Application 15012 is denied on the grounds that the granting of the application would tend to impair the value of existing rights and would be otherwise detrimental to the public welfare.

Respectfully submitted,

George W. Hennen  
State Engineer

By:

  
Roland D. Westergard  
Assistant State Engineer

Dated this 9th day of  
September, 1965.

RDW:PGM:rap