

IN THE MATTER OF APPLICATION 24146)
FILED BY ROBERT DANKOWSKI TO)
APPROPRIATE AND STORE WATER FROM) RULING
COAL MINE CREEK IN ELKO COUNTY,)
NEVADA)

GENERAL:

Application 24146 was filed September 26, 1967, by Robert Dankowski to appropriate and store 9 acre-feet of the waters of Coal Mine Creek for recreational purposes. The proposed point of diversion is in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 13, T37N., R56E., MDB&M., and the place of use is described as being the same lands. The period of use is from January 1 to December 31 of each year.

The application was protested on November 7, 1967, by Glaser Ranches, Inc., and on December 15, 1967, by Glaser Land and Livestock, Inc., both on the same grounds that they have vested rights for stockwatering purposes on their owned lands and on public domain for waters of Coal Mine Creek.

Coal Mine Creek, at certain stages of flow, is tributary to the Humboldt River; and is used to satisfy rights under the Humboldt River Decree.

Historically, the waters of Coal Mine Creek have been used for stockwatering purposes as stated in the protests.

Coal Mine Creek is along a customary stock driving route and its waters have been put to beneficial use in the past for the watering of livestock (NRS 533.500).

A field investigation was made of the protested application on March 27, 1968.

RULING

Application 24146 is herewith denied on the grounds that the granting of a permit would adversely affect existing rights on the source.

Respectfully submitted,


Roland D. Westergard
State Engineer

RDW:SH:dc

Dated this 8th day of
August, 1968.