

IN THE MATTER OF APPLICATION NO. 14732
FILED BY WILLIAM L. JONES, LEHI M. JONES
AND H. WENDELL JONES TO APPROPRIATE THE
WATERS OF BLACK CANYON WASH FOR STOCKWATERING
PURPOSES IN LINCOLN COUNTY, NEVADA.

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} RULING

Application No. 14732 was filed on December 24, 1952 by William L. Jones, Lehi M. Jones and H. Wendell Jones to appropriate four acre-feet per annum of the snow and flood waters of Black Canyon Wash for the watering of 5,400 head of sheep from October 10 to May 1 of the following year. The proposed point of diversion and place of use is within the SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 17, T. 2 S., R. 66 E., M.D.B.&M., unsurveyed.

Protests to the granting of said application were filed as follows:

On April 6, 1953 by Alex B. Williams on the grounds that the proposed point of diversion is on public land; that grazing privileges on said land are administered by the Bureau of Land Management under the Taylor Grazing Act; that under the Bureau of Land Management regulations in the area, grazing privileges are determined on a water base with a service area of five miles for Class I waters; and that the reservoir applied for under Application No. 14732 is within the service area of the following water rights of the protestant:

Klondyke Spring, Proof of Appropriation No. 01459.

George Rogers Spring, Certificate No. 835 issued under Permit No. 6619.

On May 13, 1953 by Robert A. and William R. Thorley, A. C. Seegmiller and M. F. Higbee on the grounds that their predecessors in interest have grazed livestock in the general area of Application No. 14732 for approximately thirty years; that the protestants have adjacent grazing privileges; that the site of the proposed reservoir is a dry wash where there are no flood waters subject to appropriation, and that the applicants have not filed with the intent of appropriating water but to establish a "paper" title to non-existent water in order to obtain prior grazing privileges in the area.

This protest was received too late for filing. The last day for filing protests to the granting of Application No. 14732 was April 11, 1953.

On March 16, 1953 the following recommendation on the action to be taken on Application No. 14732 was received from the Bureau of Land Management:

"Mr. Jones and Associates have been granted a Section-four permit to maintain this reservoir, and it is intended to recognize this reservoir as base when ownership or control are secured. We recommend that this application be approved."

On May 1, 1953 the Bureau of Land Management was notified that a protest to the granting of Application No. 14732 had been filed by Alex B. Williams. It was recommended that the Bureau of Land Management review their former recommendation, giving proper consideration to the protest.

On May 11, 1953 the following recommendation was received from the Bureau of Land Management:

"It is our opinion that Mr. Williams does not fully understand all of the conditions relative to the approval of this application. Mr. Williams did not protest his adjudicated grazing privileges in this area. His protest against the granting of this application is without merit, and if the State Engineer holds a hearing on this application, we will testify. The point of diversion of the water applied for in this application is not within the boundaries of Mr. Williams' allotment or service areas of waters owned by Mr. Williams.

"Accordingly, we again recommend that the application be approved."

On July 17, 1953 Alex B. Williams, protestant; Orville Isom, representing Robert A. Thorley, et al, informal protestants; and H. Wendell Jones, et al, applicants, were notified by letter of the recommendations of the Bureau of Land Management. They were informed that it would be impossible for the office of State Engineer to recognize the protests to the granting of Application No. 14732 in view of the recommendations of the Bureau of Land Management, and if the protestants were interested in having the office of State Engineer hold an informal hearing in the matter, that said hearing would be scheduled at a future date. The protestants were further notified that if the office of State Engineer did not receive notification of their desire for a hearing in the matter within sixty (60) days that it would be assumed that they were no longer interested in their protests and that a ruling would be issued on Application No. 14732 on the basis of the information obtained from the Bureau of Land Management.

To date this office has not received any notice from the protestants concerning Application No. 14732.

RULING

The protests to the granting of Application No. 14732 are herewith overruled on the grounds that the applicant has grazing

privileges in the vicinity of the proposed point of diversion and place of use, and that the granting of said application will not tend to impair the value of existing rights, or be detrimental to the public welfare. A permit will be granted under said application upon receipt of the statutory permit fee.

Respectfully submitted,

HUGH A. SHAMBERGER
State Engineer

By

Edmund Muth

EDMUND MUTH
Assistant State Engineer

Dated this 30th day
of December, 1953.