

IN THE MATTER OF APPLICATION NO. 14306
FILED BY THE BARTHOLOMAE CORPORATION TO
APPROPRIATE THE WATERS OF COCKALORUM
SPRING FOR STOCKWATERING PURPOSES IN
NYE COUNTY, NEVADA.

RULING

Description of Application:

1551
Application No. 14306 was filed on May 23, 1952 by the Bartholomae Corporation to appropriate 0.25 c.f.s. of the waters of Cockalorum Spring for stockwatering purposes. The proposed point of diversion is located in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 23, T. 15 N., R. 51 E., M.D.B.&M., and the place of use is within the W $\frac{1}{2}$ SW $\frac{1}{4}$ of said Section 23.

A protest to the granting of this application was filed on July 16, 1952 by John F. and Bernice E. Kincaid on the grounds that they have a vested right to the use of the waters of Cockalorum Spring for stockwatering purposes.

General:

On May 5, 1950 a ruling was issued by this office in the matter of the following described applications in the name of the Bartholomae Corporation:

Application No. 12185 was filed to appropriate the waters of Cockalorum Channel for stockwatering purposes. The point of diversion was given as being in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 20, T. 15 N., R. 52 E., M.D.M.

Application No. 12186 was filed to appropriate the waters of Cockalorum Channel for stockwatering purposes. The point of diversion was given as being in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 27, T. 15 N., R. 52 E., M.D.M.

Application No. 12187 was filed to appropriate the waters of Cockalorum Channel for stockwatering purposes. The point of diversion was given as being in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 18, T. 15 N., R. 53 E., M.D.M.

Application No. 12188 was filed to appropriate the waters of Cockalorum and Fish Creek Valley Channels for stockwatering purposes. The point of diversion was given as being in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 29, T. 15 N., R. 53 E., M.D.M.

In said ruling Applications Nos. 12185, 12186 and 12188 were denied on the grounds that the granting thereof would be detrimental to the existing rights of Bertrand Arambel. Application No. 12187 was granted, this right being located within one mile of Fish Creek Well No. 2 under Certificate No. 2747 in the name of the Bartholomae Corporation.

On January 26, 1951 a ruling was issued by this office in the matter of Application No. 12675, filed by John F. and Bernice E.

Kincaid to appropriate the waters of Wild Horse Spring for stock-watering purposes, the proposed point of diversion being in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 23, T. 15 N., R. 51 E., M.D.B.&M. In said ruling, Application No. 12675 was denied on the grounds that the application was within two miles of existing water rights of Bertrand Arambel.

The Bureau of Land Management, Division of Range Management, has recommended that adverse action be taken on Application No. 14306 on the grounds that there is no proof to indicate that the range serviced by said spring was used by the Bartholomae Corporation; that the applicant has not applied for the range in the vicinity of Cockalorum Spring; that the application for water was made after the close of the priority period, and that the allowance of the application would not materially affect Mr. Bartholomae's grazing privileges.

RULING

From previous field investigations, hearings and rulings, it has been established that the waters of Cockalorum Spring are within an exclusive grazing area now owned by Bertrand Arambel. In view of these findings, the protest of John F. and Bernice E. Kincaid cannot be sustained; however, Application No. 14306 is herewith denied on grounds that the granting thereof would impair the value of existing rights and be detrimental to the public welfare.

Respectfully submitted,

HUGH A. SHAMBERGER
State Engineer

By

Edmund Muth

EDMUND MUTH
Assistant State Engineer

Dated this 27th day
of April, 1954.