

General:

On June 23, 1954 a field investigation of these water filings was made by E. J. DeRicco, Field Deputy State Engineer, and D. K. Jewett, Office Engineer.

From said investigation it was found that the proposed wells under Applications Nos. 11477 and 11509 are existing wells drilled by Clyde B. Stark and made a matter of record in this office under Well Logs Nos. 54 and 53, respectively. It was also found that the wells service a range area grazed in common by the cattle of several ranchers, including protestants, Louis H. and Myrtle Danberg. Protestant Thomas Ormachea does not have grazing privileges in the area. The protestants and the Bureau of Land Management, Division of Grazing, who represented other grazing licenses in the area, stated that there would be no objection to the granting of permits under these applications providing they were issued with the understanding that other qualified grazing licensees shall have access to the waters at all times.

In the matter of Application No. 13632, it was found that the application was filed to correct an erroneous survey under Permit No. 7218. There will be no physical change in the location of the point of diversion or place of use on the ground.

The protestant claims that this application is being filed to expand the applicant's sheep range to the west slope of the Clan Alpine Range where at the present time he has no sheep grazing privileges. The applicant has been licensed to graze 100 head of cattle in the vicinity of the spring, and the application has been filed to water 100 head of cattle only. It is, therefore, the opinion of this office that the change under this application will not adversely affect the protestant in any way.

RULING

Applications Nos. 11477 and 11509. The protests to the granting of these applications by Thomas Ormachea are herewith overruled and the protests of Louis H. and Myrtle Danberg are neither sustained or overruled; however, a permit will be issued under these applications on receipt of the statutory permit fee with the understanding that:

- (1) Other qualified grazing licenses shall have access to the waters at all times.
- (2) All parties using the waters shall contribute to the maintenance and pumping costs in proportion to their use.

Application No. 13632. The protest to the granting of this application is herewith overruled on grounds that the granting thereof would not impair the value of existing rights or be detrimental to the public welfare. A permit will be issued thereunder.

Respectfully submitted,

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State Engineer

By

Edmund Muth

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Assistant State Engineer

Dated this 16th day
of February, 1955.