

IN THE MATTER OF APPLICATION 10164 )  
FILED SEPTEMBER 7, 1937, BY ELTON )  
I. OLINGHOUSE TO APPROPRIATE WATER )  
FROM EAGLE SPRING FOR STOCKWATERING )  
AND DOMESTIC PURPOSES IN LINCOLN )  
COUNTY, NEVADA )

R U L I N G

General:

202 Application 10164 was filed on September 7, 1937, by Elton I. Olinghouse to appropriate 0.25 c.f.s. of the waters of Eagle Spring for stockwatering and domestic purposes. The point of diversion is described as being in the NW $\frac{1}{4}$  NW $\frac{1}{4}$  Section 5, T. 4 N., R. 68 E., M.D.B. & M., and the place of use within the same subdivision. This application was protested on October 22, 1937, by the Murray Sheep Company on the grounds that the source is within range allotted to the Murray Sheep Company.

On April 22, 1965, the Bureau of Land Management, Ely, Nevada, under the signature of Roy W. Bean, notified this office that "Mr. Elton I. Olinghouse does not hold grazing privileges on the Federal range in the Ely District, the place of use and point of diversion are on public domain. It is recommended that the application be denied." The Lincoln County Recorder also notified this office on April 13, 1965, that "Our records show no patented land in Sec. 5, T. 4 N., R. 68 E., M.D.B. & M."

RULING

Application 10164 is herewith denied on the grounds that the applicant does not have a recognized range right within the service area of this source and that the granting of a permit to appropriate water within an area where the applicant does not control the use of the range would be detrimental to the public welfare.

Respectfully submitted,

GEORGE W. HENNEN  
State Engineer

By:   
Roland D. Westergard  
Assistant State Engineer

Dated this 7th day of

May, 1965

PGM:lh