

IN THE MATTER OF APPLICATIONS NOS.
13190, 13191, 13622, 13623 and 13624

RULING

GENERAL

Application 13190 was filed by Emma G. Rogers and S. H. Manor for the waters of an underground source (Montezuma Well) on December 15, 1949 for stockwatering purposes. The point of diversion and place of use was given as the SW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 30, T. 4 N., R. 41 E. This application was protested by John J. Casey on December 15, 1950.

Application 13191 was filed by S. H. Manor for the waters of an underground source (Main Line Well) on December 15, 1949 for stockwatering purposes. The point of diversion and place of use was given as the NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 28, T. 3 N., R. 41 E. This application was protested by John J. Casey on December 15, 1950.

Application 13622 was filed by John J. Casey for the waters of an underground source (Rogers Well) on January 29, 1951 for stockwatering purposes. The point of diversion and place of use was given as the NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 16, T. 4 N., R. 41 E. This application was protested by Emma G. and Harry E. Rogers on May 7, 1951.

Application 13623 was filed by John J. Casey for the waters of an underground source (Millers Well) on January 29, 1951 for stockwatering purposes. The point of diversion and place of use was given as the SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 35, T. 4 N., R. 40 E. This application was protested by Emma G. and Harry E. Rogers on May 7, 1951 and by S. H. Manor on the same date.

Application 13624 was filed by John J. Casey for the waters of an underground source (Lone Mountain Well) on January 29, 1951 for stockwatering purposes. The point of diversion and place of use was given as the NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 28, T. 3 N., R. 41 E. This application was protested by Emma G. and Harry E. Rogers on May 7, 1951; by S. H. Manor on May 7, 1951 and by Charles Cecchini on May 10, 1951.

The water sought to be appropriated under Applications 13190, 13191, 13623 and 13624 is in Esmeralda County, Nevada, and these applications were published according to law in the Goldfield News and Beatty Bulletin. The water sought to be appropriated under Application 13622 is in Nye County, Nevada, and was published according to law in the Tonopah Times-Bonanza.

Carl V. Haas, Jr. has acquired the rights of Emma G. and Harry E. Rogers and of S. H. Manor and has been substituted for them in the proceedings.

Appearances at the hearing held in Goldfield, Nevada on November 27th and 28th, 1951 were as follows:

For the State Engineer - Edmund Muth and Robert Leighton
For John J. Casey - Attorney John R. Ross
For Carl V. Haas, Jr. - Attorney Peter Breen

OPINION

On November 27th and 28th, 1951 a hearing was held on the foregoing applications at the Court House in Goldfield, Nevada. By stipulation between the parties all testimony was to "go both to the applications in which he or she is interested and also to the protest which he or she makes". All of the testimony was recorded and transcribed.

The preponderance of testimony and the evidence presented shows conclusively that neither Mr. George Keough and/or Mr. Charles Keough, the predecessors of Mr. John J. Casey, ever claimed or established a customary grazing use, other than "drift", in Esmeralda County, Nevada. The record shows no existing stock water rights in the name of Mr. John J. Casey or his predecessors, the Keoughs, in the area in controversy other than an undetermined joint use vested right with Mr. Carl Haas, Jr. to water stock at the so-called "Roger's Well" located in Nye County a short distance north of the Nye and Esmeralda County lines.

It is the opinion of the State Engineer that Applications Nos. 13622, 13623 and 13624 filed by Mr. John J. Casey are in conflict with either existing rights or prior applications of the substituted applicant and protestant, Mr. Carl V. Haas, Jr., and should be denied.

The record shows that Mr. S. H. Manor, a predecessor of Mr. Carl V. Haas, Jr., headquartered at Millers, Esmeralda County, Nevada and ranged a small number of cattle in this vicinity year around. The record also shows that the Rogers family, another predecessor of Mr. Haas, drove cattle into the Miller's area in the fall of the year, placed a rider there to care for the cattle, and then brought the cattle north in the spring. Mr. Haas has several existing stockwatering rights in the "Millers" Lone Mountain area.

It is the opinion of the State Engineer that Applications Nos. 13190 and 13191 of Mr. Carl V. Haas, Jr., being prior in time to Mr. Casey's applications and within the customary range of Mr. Haas, should be approved with a limitation, however, as to period of use and number of stock watered.

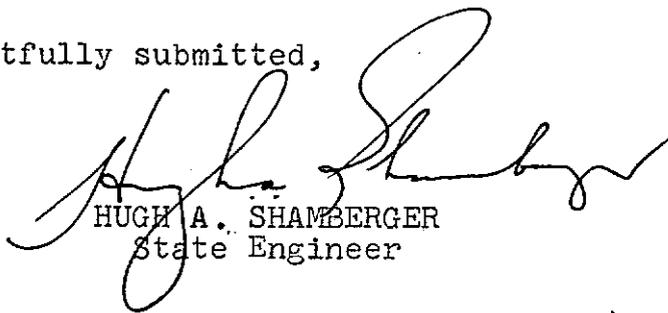
RULING

Applications Nos. 13622, 13623 and 13624 filed by John J. Casey are denied on the grounds that they will interfere with existing water rights and range use. The protests of Mr. Haas are upheld.

The protests of Mr. Casey to granting permits under Applications Nos. 13190 and 13191 are overruled. Applications Nos. 13190 and 13191, belonging to Mr. Carl V. Haas, Jr., are approved and permits will be issued upon receipt of the required fees with the following limitations:

Number of stock	-	200 cattle, 20 horses
Period of use	-	November 1 to May 1.

Respectfully submitted,



HUGH A. SHAMBERGER
State Engineer

Dated this 7th day of
July, 1953.