

IN THE MATTER OF APPLICATIONS NOS. 13822 AND)
13823 FILED BY CONSTANT VENER TO APPROPRIATE :
WATER FROM UNDERGROUND SOURCES FOR STOCK- :
WATERING PURPOSES IN NYE COUNTY, NEVADA.)

RULING #156

Application No. 13822 was filed on September 3, 1951 by Constant Vener to appropriate 0.015 c.f.s. of water from an underground source, Cash No. 2 Well, for stockwatering purposes. The proposed point of diversion and the place of use are to be located in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 11, T. 6 N., R. 50 E., M.D.B.&M.

Application No. 13823 was filed on September 3, 1951 by Constant Vener to appropriate 0.015 c.f.s. of water from an underground source, Cash No. 1 Well, for stockwatering purposes. The proposed point of diversion and the place of use are to be in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 35, T. 6 N., R. 50 E., M.D.B.&M.

Notices of said applications were published in the Tonopah Times-Bonanza, a newspaper of general circulation in Nye County, Nevada, for the statutory period, the last date of publication being on October 26, 1951. On October 16, 1951, and within the period provided by law for the filing of protests, protests against the granting of these applications were filed by C. A. Blair on the following grounds: That the wells are located on range land used by the protestant and his predecessors in title for over 20 years and if said applications are granted they would interfere with the feeding of his livestock in this area, and that the proposed point of diversion under Application No. 13822 is within one mile of the Protestant's Permit No. 12584.

On May 13, 1948 a field investigation was made by representatives of this office in the matter of Applications Nos.

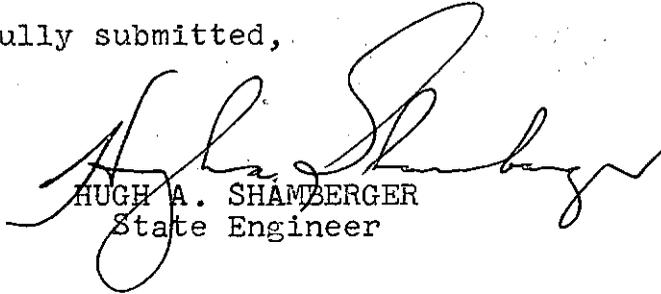
12062 and 12063 filed by Constant Vener to appropriate underground water for stockwatering purposes. These applications service the same range area as Applications Nos. 13822 and 13823. It was found that the location of the proposed wells was in a range area used by Helen Williams, et al, predecessors of C. A. Blair, and the Fallini Brothers; that the range area was appurtenant to the "Fallini Well" and the "Hot Creek Slough" and that it is generally grazed from these water sources.

Applications Nos. 12062 and 12063 were denied on August 12, 1948 on the grounds that they would contravene the policy of the 1925 Stockwatering Act.

RULING

In view of past findings in the range area serviced by the proposed wells under Applications Nos. 13822 and 13823 the protests of C. A. Blair against the granting of these applications are herewith sustained and said applications are denied on the grounds that the granting thereof would be detrimental to existing rights.

Respectfully submitted,


HUGH A. SHAMBERGER
State Engineer

Dated this 8th day
of July, 1953.