

IN THE MATTER OF APPLICATION NO. 16561
FILED BY FRANK SEMINARIO TO APPROPRIATE
WATER FROM AN UNNAMED WATER HOLE FOR
STOCKWATERING PURPOSES IN ESMERALDA
COUNTY, NEVADA.

RULING

Description of Application:

Application No. 16561 was filed on June 13, 1955 by Frank Seminario to appropriate 0.015 c.f.s. of water from an unnamed water hole for the watering of 800 cows and 25 horses from January 1st to December 31st of each year. The point of diversion and place of use are described as being within the SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 18, T. 3 S., R. 36 E., M.D.B.&M.

A protest to the granting of this application was filed on August 25, 1955 by E. L. Cord on the grounds that he has a grazing lease from the Department of Interior for all of Section 18, T. 3 S., R. 36 E., M.D.B.&M.; that the waters from the source have been used for many years and are now being used by the protestant for stockwatering purposes; that in a ruling issued by the office of the State Engineer on October 24, 1947, it was found that the source has not been developed by anyone for a period of many years; that to grant an application would disturb the general range use as established, and would be detrimental to the public interest; that the protestant is entitled to the use of all the waters of the source, and that the waters from said source are fully appropriated.

General:

At the present time E. L. Cord has a lease which entitled him to use all of Section 18, T. 3 S., R. 36 E., M.D.B.&M. for grazing purposes. The boundary of the applicant's lease terminates on the north section line of Section 18. In order to place the waters of this source to beneficial use it would be necessary for the applicant to graze his cattle, in trespass, on Section 18, T. 3 S., R. 36 E., M.D.B.&M. which would impair the value of the protestant's range right.

RULING

The protest to the granting of this application is herewith sustained. Application No. 16561 is denied on the grounds that the granting thereof will impair the value of existing rights and be detrimental to the public welfare.

Respectfully submitted,


HUGH A. SHANBERGER
State Engineer

Dated this 19th day
of November, 1956.