

IN THE MATTER OF APPLICATION 23548)
FILED ON DECEMBER 5, 1966 by B 6)
CATTLE COMPANY TO APPROPRIATE WATER)
FROM AN UNDERGROUND SOURCE IN WHITE)
PINE COUNTY, NEVADA)

R U L I N G 1346

GENERAL:

(945) Application 23548 was filed December 15, 1966 by B 6 Cattle Company to appropriate 2.0 cfs of water from an underground source for irrigation and domestic purposes. The proposed point of diversion is within the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 4, T. 13 N., R. 70 E., M.D.B.&M. The proposed place of use is described as 170 acres within the SW $\frac{1}{4}$ and W $\frac{1}{2}$ SE $\frac{1}{4}$, Section 4, T. 13 N., R. 70 E., M.D.B.&M.

Certificate 4635 subject of permit 15213 was issued January 24, 1958 for 1.0 cfs of water from an underground source within the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 4, T. 13 N., R. 70 E. This certificate covers the irrigation of 170.444 acres of land within portions of SW $\frac{1}{4}$ and W $\frac{1}{2}$ SE $\frac{1}{4}$, Section 4, T. 13 N., R. 70 E., M.D.B.&M. The owner of record of this certificate is Glen A. Bellander.

The land under this application is a portion of the land claimed under Proof 01060 of record in the name of Utah--Idaho Graziers Association. The source under this proof is Rock Springs.

Proofs 02034 and 02029 under the Baker-Lehman Creek decree, of record in the names of Frederick and Betty Baker and Utah--Idaho Graziers Association, are appurtenant to the land under this application.

The applicant was contacted by letter, dated April 21, 1967 requesting that the title to these water rights be transferred into common ownership. The applicant was again contacted by letter, dated May 29, 1967 by certified mail advising the applicant that unless the documents requested in the above described letter were received within 30 days from date of this letter appropriate action would be taken on his application. The applicant was notified June 11, 1968 that this application was from the well under certificate 4635, subject of permit 15213, of record in the name of Glen A. Bellander and that title to these rights must be under common ownership before a permit could be issued under this application. The applicant was

given a 30 day period to complete said assignments. Since that time, no correspondence has been received from the applicant under application 23548.

RULING

Application 23548 is denied on the grounds that the applicant failed to submit evidence of ownership of permit 15213, certificate 4635 and the granting of a permit under this application would interfere with a prior and existing right.

Respectfully submitted,


Roland D. Westergard
State Engineer

RDW:RRD:jls

Dated this 6th day

of February, 1969