

IN THE MATTER OF APPLICATION NO.)
17445 FILED BY FLYING M. RANCH TO)
APPROPRIATE THE WATERS OF DICKEY)
SPRING FOR STOCKWATERING PURPOSES)
IN LYON COUNTY, NEVADA)

R U L I N G

GENERAL:

109 Application 17445 was filed by Flying M. Ranch to appropriate 0.02 c.f.s. of water from Dickey Spring for stockwatering and domestic purposes. The proposed point of diversion is within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 12, T. 8 N., R. 27 E., M.D.B.&M. The place of use is located within the same subdivision as the point of diversion and it is proposed to water 100 head of cattle from March 1st to October 31st of each year.

Application 17445 was protested on December 11, 1957 by Mr. Herman L. Dreyer on the grounds that the Federal Range in which this spring is situated is used in common by the applicant, the protestant, and others, and that the right applied for will contravene the policy of the Stock-watering Act of 1925 by allowing the public use of the range, contrary to the present common season of use, and may allow an increase in livestock numbers on a range presently fully stocked.

An inquiry, dated December 13, 1968, to the Bureau of Land Management has established that Dickey Spring is located on public domain land and that the Flying M. Ranch is licensed to graze livestock in the general area.

The Flying M. Ranch is the licensed grazing permittee in the general area of the proposed appropriation, and the protestant does not have any grazing rights or privileges in the same area; therefore, a permit should be issued since the grounds for the protest no longer exist.

RULING

The protest to Application 17445 is hereby overruled and a permit will be issued, subject to existing rights, upon payment of the statutory permit fees.

Respectfully submitted,


Roland D. Westergard
State Engineer

RDW:JCP:jls

Dated this 24th day

of March, 1969.