

IN THE MATTER OF APPLICATION NO. 14498 )  
FILED BY CARL S. MYERS TO APPROPRIATE : RULING  
UNDERGROUND WATER FOR STOCKWATERING :  
PURPOSES IN CLARK COUNTY, NEVADA. )

Application No. 14498 was filed by Carl S. Myers on August 25, 1952 to appropriate 0.003 c.f.s. of water from an underground source for stockwatering purposes. The point of diversion and place of use are to be located in the NE $\frac{1}{4}$  NE $\frac{1}{4}$  Section 5, T. 30 S., R. 64 E., M.D.B.&M. The water is to be used for the watering of 150 head of cattle from January 1st to December 31st of each year.

Notice of said application was published in the Boulder City News in Clark County, Nevada for the statutory period, the last date of publication being on April 16, 1953. No protests were filed against the granting of this application.

On October 1, 1952 the U. S. Department of Interior, Bureau of Land Management, Division of Grazing, submitted a report to this office recommending that Application No. 14498 be rejected on grounds that the well applied for is an existing well which was drilled as a test well by the U. S. Army Engineers; that by administrative action the allotment boundary between Mr. Myers and Ebbie Davis is in the immediate vicinity of this well and that it is anticipated to permit Messrs. Myers and Davis to equip this well to make supplemental water available for their joint use.

On April 29, 1953 the Division of Grazing submitted an additional report in regard to this well. According to the report, final allocation of Grazing rights in the Searchlight area established the boundary of Mr. Myers allotment and the point of diversion of Application 14498 is located within the recognized grazing allotment of the applicant. However, the well is government property and under the jurisdiction of the Bureau of Land Management.

On April 14, 1953 an informal hearing was held in Las Vegas, Nevada in the matter of Application No. 14498. Present at the hearing were:

Carl S. Myers	-	Applicant under Application No. 14498.
Karl F. Weikel	-	Rancher and interested party.
A. W. Ham, Jr.	-	Attorney for Karl Weikel.
A. C. Marshall	-	Rancher and interested party.
A. L. Simpson	-	Rancher and interested party.
A. W. Magelby	-	Range Manager, Division of Grazing, Bureau of Land Management.
E. J. DeRicco	-	Field Deputy State Engineer.

General:

At the hearing it was found that:

- (1) The well is an existing well.
- (2) The well may have been drilled by the U. S. Army Engineers.

- (3) That it is located on the exclusive grazing allotment of applicant.
- (4) The well services Class 3 grazing allotment and in order for applicant to change the grazing allotment to Class 2 it will be necessary for him to obtain a certificate on the water servicing the allotments.
- (5) The Bureau of Land Management does not object to the appropriation of water in the vicinity of this well in view of the exclusive grazing allotment of applicant. However, we are informed that they cannot give applicant an exclusive right to use the well and appurtenances. This well is listed on the records of the B.L.M. as government property (all government property belongs to the public), and apparently the B.L.M. does not have the authority to give an exclusive use to an individual.

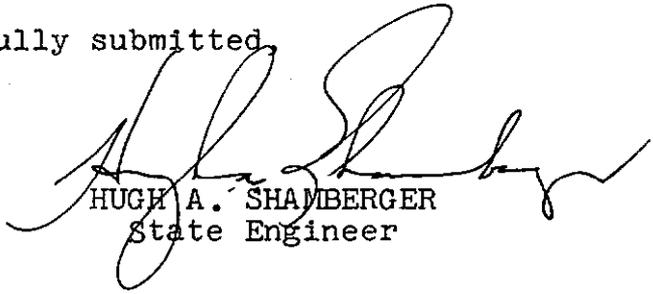
Findings:

It is the findings of the State Engineer that the underground water in the vicinity of the proposed point of diversion is unappropriated; that the applicant has an exclusive grazing right to the range serviced by the well in question, and that the office of State Engineer does not have the authority to act on the applicant's problem of obtaining the right to use of the existing well from the U. S. Government.

RULING

It is therefore the ruling of the State Engineer that a permit to appropriate water will be granted under Application No. 14498 following receipt of the statutory fee for the issuance thereof. Such permit will be issued subject to the provision that the granting of the permit will give no authorization to the permittee to use any of the existing improvements or appurtenances in the vicinity of the point of diversion.

Respectfully submitted,

  
HUGH A. SHAMBERGER  
State Engineer

Dated this 2nd day of  
June, 1953.