

IN THE MATTER OF APPLICATIONS NOS. 14499, 14500, 14501, 14502, 14503, 14504 AND 14505 TO APPROPRIATE WATER FOR STOCKWATERING PURPOSES IN THE NAME OF JOHN F. AND BERNICE E. KINCAID IN NYE COUNTY, NEVADA. }
: RULING
}

The following applications were filed by John F. and Bernice E. Kincaid on August 25, 1952 to appropriate water for stockwatering purposes in Nye County, Nevada. The applicant proposes to water 150 head of cattle and 28 head of horses at each source from January 1st to December 31st of each year.

155A Application No. 14499 filed to appropriate 0.20 c.f.s. of the waters of Wild Indian Spring. The proposed point of diversion and place of use is to be in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 2, T. 14 N., R. 51 E., M.D.B.&M.

155A Application No. 14500 filed to appropriate 0.20 c.f.s. of the waters of North Cottonwood Spring. The proposed point of diversion and place of use is to be in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 28, T. 15 N., R. 51 E., M.D.M.

155A Application No. 14501 filed to appropriate 0.20 c.f.s. of the waters of Center Cottonwood Spring. The proposed point of diversion and place of use is to be in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 28, T. 15 N., R. 51 E., M.D.M.

155A Application 14502 filed to appropriate 0.20 c.f.s. of the waters of South Cottonwood Spring. The proposed point of diversion and place of use is to be in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 33, T. 15 N., R. 51 E., M.D.M.

155A Application 14503 filed to appropriate 0.20 c.f.s. of the waters of West Fork Indian Creek Spring. The proposed point of diversion and place of use is to be in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 4, T. 14 N., R. 51 E., M.D.M.

155A Application No. 14504 filed to appropriate 0.20 c.f.s. of the waters of Cockalorum Spring (also known as Wild Horse Spring). The proposed point of diversion is to be in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 23, T. 15 N., R. 51 E. and the proposed place of use is to be in the W $\frac{1}{2}$ SW $\frac{1}{4}$ of said Section 23.

155A Application No. 14505 filed to appropriate 0.20 c.f.s. of the waters of Mulligan Spring. The proposed point of diversion and place of use is to be in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 33, T. 15 N., R. 51 E.

The springs in question have been previously applied for by the applicants under the following applications:

Application No. 12478 - Wild Indian Spring
(Same source applied for under App. No. 14499)

Application 12479 - North Cottonwood Spring
(Same source applied for under App. No. 14500)

Application 12480 - Center Cottonwood Spring
(Same source applied for under App. No. 14501)

Application 12481 - South Cottonwood Spring
(Same source applied for under App. No. 14502)

Application 12482 - West Fork Indian Creek Spring
(Same source applied for under App. No. 14503)

Application 12675 - Wild Horse Spring
(Same source applied for under App. No. 14504)

Application 12741 - Mulligan Spring
(Same source applied for under App. No. 14505)

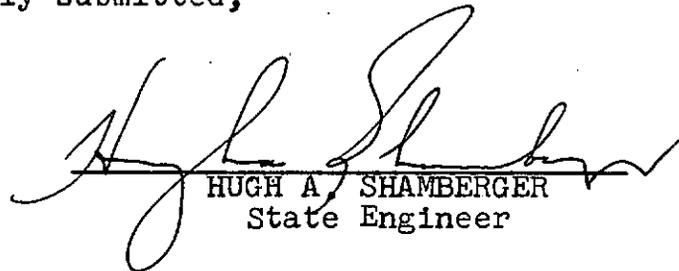
On September 27th and 28th, 1950 a hearing was held on Applications Nos. 12478 to 12482, inclusive, and Applications Nos. 12675 and 12741. On January 26, 1951 a ruling was issued in the matter of these applications and all of the filings were denied on the following grounds:

"That all of the filings are located within two miles of existing stockwatering rights owned by the protestants; that there was no evidence indicating abandonment by the protestants of said stockwatering rights; that the protestants and their predecessors in interest had acquired a customary range right pursuant to the 1931 Nevada Range Act and that the granting of said applications would contravene the provisions of the Stockwatering Act of Nevada, Section 7948 NCL 1929, and also the provisions of the Nevada Range Law Section 5581 NCL Supp. 1931-41."

RULING

In view of past findings and rulings in the matter of all of the water sources applied for under Applications Nos. 14499 to 14505, inclusive, said applications are herewith denied on the grounds that the granting thereof would impair the value of existing rights and be detrimental to the public welfare.

Respectfully submitted,


HUGH A. SHAMBERGER
State Engineer

Dated this 16th
day of July, 1953.