

IN THE MATTER OF APPLICATION NO. 13850)
FILED BY PETER DAMELE TO APPROPRIATE THE)
WATERS OF AN UNNAMED SPRING FOR STOCKWATERING) RULING
PURPOSES IN EUREKA COUNTY, NEVADA.)

Description of Application:

Application No. 13850 was filed on October 1, 1951 by Peter Damele to appropriate 0.02 c.f.s. of water from an Unnamed Spring for stockwatering and domestic purposes. The point of diversion and place of use are located within the SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 33, T. 20 N., R. 49 E., M.D.B.&M.

A protest to the granting of this application was filed on December 3, 1951 by Alma Woods on the grounds that the application is within three miles of four established stockwatering rights owned by protestant, and that the protestant enjoys exclusive range rights within the area serviced by Application No. 13850.

General:

On June 22, 1952 a field investigation in the matter of this application was made by E. J. DeRicco, Field Deputy State Engineer.

From said investigation, and from records in this office, it was found that the protestant, Alma Woods, owns all of the stockwatering filings of record within the service area of the Unnamed Spring under Application No. 13850, and that all of the improvements on this source were made by the protestant.

At the same time of the investigation it was pointed out by a representative of the Bureau of Land Management that Application No. 13850 cannot be considered as a base to establish priority for a grazing permit in the allotment of the Federal Range because the water right was not in existence during the priority years. In view of this condition it was agreed by all parties concerned that the State Engineer withhold action on the filing until such time as the Federal range had been allotted and that his ruling on this application be in accordance with the allotment of the range.

On July 19, 1954 this office was advised by the Bureau of Land Management that Alma Woods is the user of the range on which this source is located, and that it is not within the range allotment of Peter Damele.

RULING:

The protest to the granting of Application No. 13850 is here-with sustained and the application is denied on grounds that the applicant does not have grazing privileges within the area serviced by said application, and that its granting would impair the value of existing rights and be detrimental to the public welfare.

Respectfully submitted,

Dated this 17th
day of Jan., 1955.


HUGH A. CHAMBERLAIN