

IN THE MATTER OF APPLICATION 28188)
FILED BY PARIS, PARIS AND INCHAUSPE)
TO APPROPRIATE WATER FROM AN UNDER-)
GROUND SOURCE IN LANDER COUNTY,)
NEVADA.)

R U L I N G

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GENERAL:

On March 15, 1974, Paris, Paris and Inchauspe filed Application 28188 to appropriate 0.100 c.f.s. of water from an underground source known as McCoy Well. The water is to be used for stockwatering purposes for 1000 cattle. The point of diversion and place of use are within the SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 23, T.23N., R.40E., M.D.B. & M. On September 23, 1974, Application 28188 was assigned to Paul and Grace Inchauspe.

On April 15, 1974, John C. Carpenter, Jr. and Roseann S. Carpenter dba Carpenter Ranches filed a protest to the granting of Application 28188. The protest asked that the application be denied or alternately issued subject to Carpenter Ranches use for stock water because of the following reasons and on the following grounds:

1. The McCoy Well (SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 23, T.23N., R.40E.) is situated on public lands and is surrounded by BLM grazing area permitted to Carpenter Ranches.
2. That the grazing lands and water of the McCoy Well has historically been used for stock purposes by the Carpenter Ranches and their predecessors in interest.
3. That the Carpenter Ranches and their predecessors in interest have made improvements in the McCoy Well.
4. That the area surrounding the McCoy Well has not historically been used by the Paris family nor is it part of the Todd ranch sold by Carpenter Ranches to Inchauspe.
5. That to deny the Carpenter Ranches their historical use of the waters of the McCoy Well for stock purposes would be to render valueless their BLM grazing area.

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There are no water rights of record either at or within one mile of the well site.

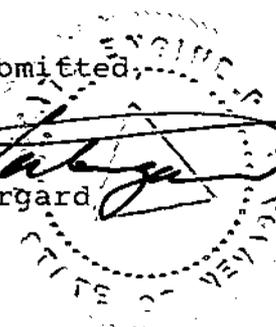
Paul and Grace Inchauspe are range users in the McCoy Well area.

RULING:

The protest to Application 28188 is hereby overruled. A permit will be issued under Application 28188 upon payment of statutory fees.

Respectfully submitted,


Roland D. Westergard
State Engineer



RDW/JC/bs

Dated this 15th
day of October, 1974.