

IN THE MATTER OF APPLICATION NO. 15228 FILED BY LILLIE A. PESI TO APPROPRIATE THE WATERS OF COW CANYON AND TRIBUTARIES IN LANDER COUNTY, NEVADA.

RULING

Description of Application:

Application No. 15228 was filed on July 24, 1953 by Lillie A. Pesi to appropriate 1.0 c.f.s. of the waters of Cow Canyon and small spring tributary thereto for irrigation and domestic purposes. The point of diversion is given as being within the NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 11, T. 31 N., R. 43 E., M.D.B.&M., and the place of use to be approximately 15 acres of land within portions of the S $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ and the W $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 11, T. 31 N., R. 43 E., M.D.B.&M. The period of use is given as January 1st to December 31st of each year.

Protests to the granting of Application No. 15228 were filed as follows:

On November 9, 1954 by William E. Licking on grounds that the source from which the diversion is sought is now and, for forty years past, has been used by the protestant and his predecessors for stockwatering purposes from March 1st to November 1st of each year. The amount sought to be diverted is in excess of any regular flow in the source, and if the application is granted it would result in the total taking of the stream's flow.

On November 15, 1954 by Walter M. Gleason, John M. Starr and Fred C. Franks on the grounds that the protestants are the owners in fee simple of the Wilson Ranch; that said property is situated along Galena Creek Canyon; that said property has a water right to use the waters of said source for irrigation and domestic purposes; that Cow Creek is a tributary to Galena Canyon at a point upstream from the Wilson Ranch; that all of the waters of said Cow Canyon are needed to supply the domestic and irrigation requirements of the protestants, and that the proposed appropriation would materially interfere with and infringe upon the water rights of the Wilson Ranch.

General:

A field investigation in the matter of this application was made on June 15, 1956. From said investigation it was found that William E. Licking has an existing stockwatering right on the source. Mr. Licking's cattle graze in the service area of this source from April 1st to November 1st of each year. It was further found that Cow Canyon is a nominal tributary to Galena Canyon, and that the proposed use under Application No. 15228 would not interfere with the existing rights of the Wilson Ranch now owned by Walter M. Gleason, et al.

RULING

The protests to the granting of Application No. 15223 are herewith overruled on grounds that the granting thereof will not impair the value of existing rights or be otherwise detrimental to the public welfare.

A permit will be issued under said application upon receipt of the statutory permit fee, subject to the following provisions:

1. The amount of appropriation will be reduced to 0.25 c.f.s.
2. The applicant will provide stockwatering facilities and make water available to William B. Licking's livestock during the months from April 1st to November 1st of each year.

Respectfully submitted,


HUGH A. SMALLWOOD
State Engineer

Dated this 19th day of
November, 1936.