

IN THE MATTER OF APPLICATION NO. 15586 FILED APRIL 2, 1954 BY LESLIE R. HUMMEL TO APPROPRIATE THE WATERS OF DUNNASHEE SPRING, IN HUMBOLDT COUNTY, NEVADA, WHICH WAS PROTESTED OCTOBER 29, 1954 BY W. LYNN ROBERTS AND JEAN S. ROBERTS.

RULING

Description of Application:

Application No. 15586 was filed on April 2, 1954 by Leslie R. Hummel to appropriate 0.10 of a second foot of the water of Dunnashee Spring for mining and domestic purposes. The point of diversion is described as being within the SW $\frac{1}{4}$  SW $\frac{1}{4}$  Section 30, T. 37 N., R. 32 E., M.D.B.&M., and the place of use in the NE $\frac{1}{4}$  SW $\frac{1}{4}$  of said Section 30.

A protest to the granting of this application was filed on October 29, 1954 by W. Lynn and Jean S. Roberts on grounds that the protestants have prior right to this water for stockwatering purposes; that the applicant has not shown there is sufficient additional water in the source to file on, and that a cabin and mill have been constructed at the spring preventing the protestants' wild range cattle from watering at the source.

General:

A field investigation in the matter of this application was made by a representative of this office on April 25, 1955. From said investigation, and from records in this office, it has been found that the source is located near the bottom of a broad canyon in the foothills on the easterly slope of the Jackson Mountain Range. A cabin, mill and reservoir have been constructed by the applicant in the vicinity of the spring.

In their normal grazing procedure the protestants cattle graze almost entirely above the spring area, working their way from the grazing area down to water and back. There are no other sources of water within two or three miles of Dunnashee Spring.

The protestants claim that the human activity in the vicinity of the springs prevent their wild range cattle from watering at the source, thus depriving them of the use of a grazing area they have customarily used for many years. In order for the applicant to correct the damage he is doing to their grazing operations, the protestants feel that he