

IN THE MATTER OF APPLICATION NO. 13253 )  
IN NAME OF FALLINI BROTHERS TO APPRO- : RULING  
PRIATE STORM WATERS OF HOT CREEK, NYE :  
COUNTY, NEVADA. )

Application No. 13253 was filed February 3, 1950 by Fallini Brothers to appropriate 0.25 c.f.s. of the storm waters of Hot Creek for the watering of 1000 head of cattle and 25 horses. The proposed point of diversion is to be a pit or tank in the Hot Creek wash located within the SW SE Section 11, T. 5 N., R. 51 E.

A protest was filed to the granting of a permit under this application on May 11, 1950 by Arambel and Etcheverry.

The applicants, Fallini Brothers, are the owners of some 760 acres of patented lands in T. 4 N., R. 51 E. which is their main headquarters. They are the owners of Certificate No. 2911 issued under Permit No. 11052 on underground water at a point within the SW NW Section 18, T. 5 N., R. 51 E. and being about four miles westerly from the proposed point of diversion under Application No. 13253. In addition, the applicants are the owners of Warm Springs and appurtenant water rights, together with many stockwatering rights lying southerly and westerly from the proposed point of diversion. It appears to us that applicants have a customary range use in the service area which would be served from the source applied for.

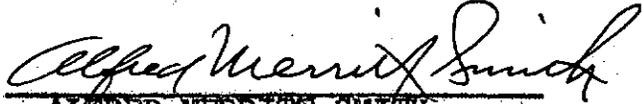
We fail to find any evidence where protestants have acquired any water right in this vicinity. It may be possible that protestants have acquired a trail right en-route to the Stone Cabin country that passes through this area. If such right exists, the sheep would have to depend on snow water.

We find that the source applied for is in the general vicinity of the trail used by the Eureka Livestock Company during those years that snow conditions are such that their sheep can be trailed south of U. S. Highway No. 6.

R U L I N G

It is our opinion that the granting of a permit under Application No. 13253 in an amount sufficient to water 300 head of cattle and 25 horses would not be detrimental to any other rights that may exist. The protest to the granting of a permit under Application No. 13253 is herewith overruled and a permit will be issued, following receipt of the statutory permit fee, subject to existing rights on this source, and also with the understanding that such permit will not jeopardize any trailing rights that may exist through this area.

Respectfully submitted,

  
ALFRED MERRITT SMITH  
State Engineer

June 12, 1950