

IN THE MATTER OF APPLICATIONS NOS.  
13375 AND 13376 IN NAME OF FALLINI  
BROTHERS TO APPROPRIATE THE WATERS  
OF REVELLE MILL SPRING AND ROSE  
SPRING, RESPECTIVELY, IN NYE  
COUNTY, NEVADA, FOR STOCKWATERING  
PURPOSES.

RULING

Applications Nos. 13375 and 13376 were filed May 15, 1950 by Fallini Brothers to appropriate the waters of Reveille Mill Spring and Rose Spring respectively, for Stockwatering purposes. The proposed point of diversion under Application No. 13375 is given as being within the SW $\frac{1}{4}$  NE $\frac{1}{4}$  Section 28, T. 2 N., R. 50 E. and under Application No. 13376 the proposed diversion point is given as being within the NE $\frac{1}{4}$  NE $\frac{1}{4}$  Section 28, T. 2 N., R. 50 E.

On August 25, 1950 protests to the granting of permits under said Applications were filed by Bertrand Arambel and Pete Etcheverry.

Our investigations under previous applications in the general area within which these sources are located, have showed that applicants have ranged cattle in this area for many years. Our records show that Applicants have many perfected water rights in close proximity to the sources applied for under Applications Nos. 13375 and 13376. Applicants have a perfected water right, Certificate No. 1937 on Crystal Spring located one mile northeasterly. They are the owners of Certificate No. 812 on Eden Creek, located about two miles southerly from Rose and Reveille Mill Springs. Also on Pyramid Spring, Georges Water Tunnel and Georges Water Creek located a few miles to the south. Northwesterly from the sources

applied for, they have a series of water rights, starting at Mikes Creek (Cert. 1393) located within the NW $\frac{1}{4}$  NE $\frac{1}{4}$  Section 31, T. 3 N., R. 50 E.

The sources applied for under Applications Nos. 13375 and 13376 are located about 12 miles southerly from Warm Springs on U. S. Highway 6.

From all information available to us it appears that Fallini Brothers are the sole users of the range in the area appertenant to the Rose and Reveille Mill Springs.

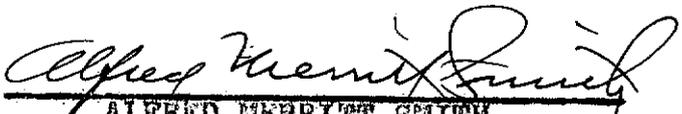
We fail to find any evidence where protestants have acquired any water rights in this vicinity.

It is our opinion that the granting of permits under Applications Nos. 13375 and 13376 would not be detrimental to existing rights.

RULING

The protest to the granting of permits under Applications Nos. 13375 and 13376 are herewith overruled and permits will be granted subject to existing rights following receipt of the statutory permit fees.

Respectfully submitted,

  
ALFRED MERRITT SMITH  
State Engineer

October 10, 1950