

IN THE MATTER OF APPLICATION 18826)
FILED MAY 11, 1960, BY THE PESCIO)
BROTHERS TO CHANGE THE PLACE OF USE)
OF WATER HERETOFORE APPROPRIATED)
UNDER PERMIT 13217, CERTIFICATE 3781)
FROM KID SPRING)

R U L I N G

General:

Application 18826 was filed on May 11, 1960, by the Pescio Brothers to change the place of use of 0.00625 c.f.s. of water appropriated under Permit 13217, Certificate 3781 of Kid Spring. The point of diversion is described as being within the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 14, T. 18 N., R. 63 E., M.D.B.&M., and the place of use within the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 14, T. 18 N., R. 63 E., M.D.B.&M. The former place of use is described as SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 14, T. 18 N., R. 63 E., M.D.B.&M.

Application 18826 was protested on March 6, 1961, by Matias Espenal and Eugene Zubieta on the grounds "that said change of place of use of said waters would interfere with protestants mining operations consisting of eight unpatented mining claims located in the year 1955 and which have been improved and developed consistently since location."

A field investigation was held on August 18, 1964, and the following information was obtained.

1. The Pescio Brothers have an existing perfected water right on the source, namely in the form of Permit 13217, Certificate 3781, and they propose to change the place of use under this right by virtue of application to change 18826.
2. The proposed change will not impair existing rights.
3. The conflict is strictly a matter of right-of-way over which the State Engineer's office has no control.
4. The Bureau of Land Management in Reno, Nevada, recommended by letter on September 25, 1961, that the application be allowed since the proposed change was within the Pescio Brothers range allotment.

RULING

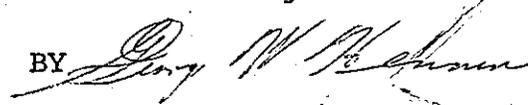
The protest to the granting of Application 18826 is herewith overruled on the grounds that the granting of this application will not impair the value of existing rights or otherwise be detrimental to the public welfare. A permit will be issued under this application in the amount of 0.00625 c.f.s. for stockwatering purposes.

Nothing in this ruling shall be taken to grant any rights of ingress and egress to the applicants, the Pescio Brothers.

Respectfully submitted,

ELMO J. DERICCO
State Engineer

BY



GEORGE W. HENNEN
Assistant State Engineer

Dated this 16th day of
September, 1964.