

IN THE MATTER OF APPLICATION 23159)
FILED BY CHARLES H. SMITH TO APPRO-)
PRIATE THE WATERS OF UNNAMED SPRING)
STOCKWATERING AND DOMESTIC PURPOSES)
IN MINERAL COUNTY, NEVADA.)

R U L I N G

GENERAL:

Application 23159 was filed on June 1, 1966, by Charles H. Smith to appropriate 0.50 c.f.s. of the waters of an unnamed spring for stockwatering and domestic purposes. The point of diversion is described as being in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 4, T. 2 N., R. 32 E., M.D.B. & M., and the place of use within the same subdivision. By a deed dated September 2, 1966, Charles H. Smith assigned this application to the Queen Valley Ranch Company, Inc.

On February 15, 1967, and March 3, 1967, the Bureau of Land Management, Carson City, Nevada, replied to inquiries from this office stating that the subject spring is not within the grazing allotment of either Charles H. Smith or the Queen Valley Ranch Company.

RULING

Application 23159 is denied on the grounds that the applicant does not own or control the land or the range rights required to place the water to beneficial use, and that granting the application would therefore be detrimental to the public welfare.

Respectfully submitted,

GEORGE W. HENNEN
State Engineer

BY: *Roland D. Westergard*
Roland D. Westergard
Assistant State Engineer

RDW: SH: jw

Dated this 7th day

of April, 1967.