

10

IN THE OFFICE OF THE STATE ENGINEER OF THE  
STATE OF NEVADA

IN THE MATTER OF APPLICATION NO. 11575 )  
IN NAME OF WILLIAM HENDRIX TO APPROPRIATE )  
THE WATERS OF NUGGET SPRING IN WHITE PINE ) RULING  
COUNTY, AND WHICH WAS PROTESTED BY ANTONE )  
LAXAGUE. )

Application No. 11575 was filed May 13, 1946 by William Hendrix to appropriate the waters of Nugget Spring for stockwatering and domestic purposes. The location of the spring and the proposed point of diversion was given as being within the NW $\frac{1}{4}$  SW $\frac{1}{4}$  Section 35, T. 13 N., R. 63 E., M.D.M.

On August 19, 1946 said application was formally protested by Antone Laxague on the grounds that all of the principal waters available for stockwatering on lands surrounding and adjacent to the said Nugget Spring were controlled by him by means of vested water rights, and further that he controlled the grazing lands serviced by such waters.

On May 6th, 1947, an informal hearing was held on this application in the District Grazier's office in Ely. Present were applicant William Hendrix, protestant Antone Laxague and Joe Laxague. Also present were E. R. Greenslet, Regional Grazier, Bureau of Land Management, Delbert Fallon, District Grazier and Hugh A. Shamberger, Assistant State Engineer.

Mr. Laxague stated that in about 1930 he purchased the following water rights and property in the vicinity of Nugget Spring from Adams-McGill Company;

Proof of Appropriation 01892-South White Rock Spring-NW $\frac{1}{4}$  NE $\frac{1}{4}$ ,  
Section 11, T. 13 N., R. 63 E.

Proof of Appropriation 01893-Summit Spring- SE NW Sec. 34,  
T. 13 N., R. 63 E.

Proof of Appropriation 01894-Unnamed Spring-NE SE Section 35,  
T. 13 N., R. 63 E.

Proof of Appropriation 01895-Cottonwood Spring, NE NE Section 35,  
T. 13 N., R. 63 E.

Proof of Appropriation 01896-White Rock Creek-SE $\frac{1}{4}$  NE $\frac{1}{4}$  Section 2,  
T. 12 N., R. 63 E.

Also the following lands:

NW NW & SE SW Section 4; NE SW & NE NE Section 35 and NW NE Section 26, T. 13 N., R. 63 E. and SE NE & SW SE Section 2; SW NW, SE NW & E $\frac{1}{2}$  SW Section 1 and NW NE Section 11, T. 12 N., R. 63 E.

From information obtained at the hearing, it appears that in about 1936 Mr. Hendrix sold his property at Lund to Mr. Gubler and since that time he has owned no cattle. When the Grazing Service adjudicated the grazing rights in this area, the grazing rights were attached to the land sold to Gubler who receives certain grazing privileges. The rule pertaining to grazing rights in this area is that two-thirds of the commensurability is attached to land and one-third to water and that water by itself would not be considered as commensurable base property.

According to the Bureau of Land Management records in the District Graziers office at Ely, Mr. Laxague has been given a permit to use the range surrounding Nugget Spring for summer use. Futhermore, there has been 22 $\frac{1}{2}$ % reduction of Class 1 grazing land demand and there is no ~Class 2 grazing land.

In view of the above conditions, it becomes mandatory for the State Engineer to deny Application No. 11575 on the grounds that to approve same would be detrimental to public welfare.

(Signed) Alfred Merritt Smith  
ALFRED MERRITT SMITH  
State Engineer

May 22, 1947  
CCPY/lm