

IN THE MATTER OF APPLICATIONS NOS. 14737 AND 14738)
FILED BY KARL F. WEIKEL TO APPROPRIATE UNDERGROUND :
WATER FOR STOCKWATERING PURPOSES IN CLARK COUNTY, : RULING
NEVADA.)

Applications Nos. 14737 and 14738 were filed by Karl F. Weikel on December 29, 1952 to appropriate underground water for stockwatering purposes from January 1st to December 31st of each year. The amount of water applied for, and number of stock to be watered, together with the proposed point of diversion and place of use are as follows:

Application No. 14737 was filed to appropriate 0.03 c.f.s. of water to water 500 head of cattle. The point of diversion and place of use are to be located within the NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 7, T. 29 S., R. 63 E., M.D.B.&M.

Application No. 14738 was filed to appropriate 0.011 c.f.s. of water to water 300 head of cattle. The point of diversion and place of use are to be located in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 9, T. 30 S., R. 63 E., M.D.B.&M.

Notices of said applications were published in the Las Vegas Review-Journal in Clark County, Nevada for the statutory period, the last dates of publication being on March 12, 1953 and March 13, 1953, respectively. No protests were filed against the granting of these applications.

On March 16, 1953 the United States Department of Interior, Bureau of Land Management, Division of Grazing, submitted a report to this office recommending that said applications be rejected on the grounds that the wells applied for are existing wells, the waters of which are being used by Mr. Weikel for livestock watering purposes; that the wells were completed and equipped with the aid of a C.C.C. spike camp located in Searchlight, Nevada, and that the applicant does not own or control the present developments.

On April 14, 1953 an informal hearing was held in Las Vegas, Nevada in the matter of Applications Nos. 14737 and 14738. Present at the hearing were:

| | | |
|----------------|---|--|
| Karl F. Weikel | - | Applicant under Applications Nos. 14737 and 14738. |
| A. W. Ham, Jr. | - | Attorney for applicant. |
| A. W. Magelby | - | Range Manager, Division of Grazing, Bureau of Land Management. |
| Carl S. Myers | - | Rancher and interested party. |
| A. C. Marshall | - | Rancher and interested party. |
| A. L. Simpson | - | Rancher and interested party. |
| E. J. DeRicco | - | Field Deputy State Engineer. |

General:

At the hearing it was found that conditions affecting both wells were similar, the main points being:

- (1) The wells are existing wells that have been used by applicant for stockwatering purposes.
- (2) The wells were drilled with the help of the U. S. Government.
- (3) The wells are located on the exclusive grazing allotments of the applicant.
- (4) The wells service Class 3 grazing allotment and in order for applicant to change the grazing allotment to Class 2 it will be necessary for him to obtain a certificate on the waters servicing the allotments.
- (5) The wells are deep wells ranging from 600 to 900 feet in depth. The applicant does not feel that he can afford to drill other wells to service his grazing allotments.
- (6) The Bureau of Land Management does not object to the appropriation of water in the vicinity of these wells in view of the exclusive grazing allotment of applicant. However, we are informed that they cannot give the applicant an exclusive right to use the wells and appurtenances. These wells are listed on the records of the B.L.M. as government property (all government property belongs to the public), and apparently the B.L.M. does not have the authority to give an exclusive use to an individual.

Findings:

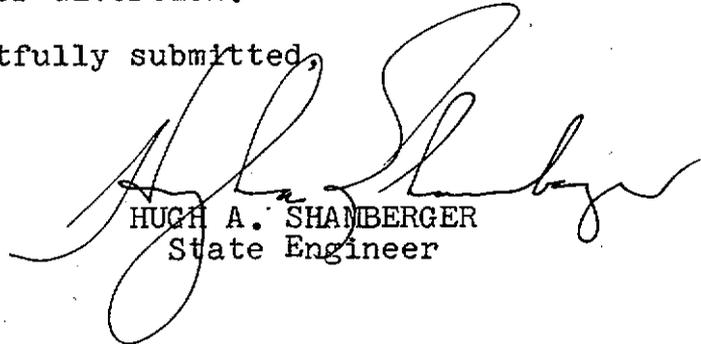
It is the findings of the State Engineer that the underground water in the vicinity of the proposed points of diversion is unappropriated; that the applicant has an exclusive grazing right to the range serviced by the wells in question, and that the office of State Engineer does not have the authority to act on the applicant's problem of obtaining the right to use of the existing wells from the U. S. Government.

RULING

It is therefore the ruling of the State Engineer that permits to appropriate water will be granted under Applications Nos. 14737 and 14738 following receipt of the statutory fees for the issuance thereof.

Such permits will be issued subject to the provision that the granting of these permits will give no authorization to the permittee to use any of the existing improvements or appurtenances in the vicinity of the points of diversion.

Respectfully submitted,



HUGH A. SHANBERGER
State Engineer

Dated this 2nd day of
June, 1953.