

IN THE MATTER OF APPLICATION 9351)
FILED BY F. W. NOBLE AND SMITH SHEEP)
COMPANY FOR PERMISSION TO APPROPRIATE)
WATER FROM RUBY VALLEY WELL NO. 1 IN)
ELKO COUNTY OF NEVADA)

R U L I N G

GENERAL:

176 Application 9351 was filed by The F. W. Noble and Smith Sheep Company for permission to appropriate 0.1 c.f.s. of water from Ruby Valley Well No. 1 for watering of 5,000 head of sheep. The proposed point of diversion and place of use is described as within the NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 9, T. 28 N., R. 59 E., M.D.B.&M. This application was assigned to Joe Echegaray on October 26, 1938.

A protest was filed under this application by W. J. Gardner, Stillman Vaughn, Samuel T. Wines and J. F. Short on May 29, 1931, on the grounds that the protestants "have subsisting right to water livestock at particular places and in sufficient numbers to utilize substantially all of that portion of the public range readily available to livestock watering at the proposed place of application---".

A letter dated August 26, 1969, was sent to the Bureau of Land Management requesting information as to the range right owners in the area of this application. Their reply dated September 3, 1969, stated that Raymond Gardner and W. D. Cattle Company hold the present grazing rights on the land. A letter dated September 15, 1969 was sent to the Bureau of Land Management inquiring if Joe Echegaray has a trail right to move his sheep through this area. Their reply of September 26, 1969 corrected erroneous information given in their reply of September 23, 1969, and states that Mr. Echegaray has a trail right through this area and further states that UX Livestock Company and Leonard Wines also have summer long use in this same section.

RULING

The protest filed under this application is herewith overruled on the grounds that the protestants do not have a water right that would be adversely effected by this application and the applicant under this application can beneficially use the water. Therefore, a permit will be issued upon receipt of the statutory permit fees.

Respectfully submitted,


Roland D. Westergard
State Engineer

RDW:RRD:jls

Dated this 20th day

of October, 1969.