

IN THE MATTER OF APPLICATION 12707 )  
FILED BY JAMES M. DANIELS TO APPRO- ) R U L I N G  
PRIATE THE WATERS OF YELLOW TIGER TUNNEL )  
IN NYE COUNTY, NEVADA. )

GENERAL:

141 Application 12707 was filed on November 3, 1948, by James M. Daniels to appropriate 0.25 c.f.s. of water from Yellow Tiger Tunnel for stockwatering purposes. The proposed point of diversion is stated to be within the NW $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 1, T.5S.,R.44E.,M.D.B.&M. (unsurveyed) and the proposed place of use is within the NE $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 2 of the same township. The owner of record of Application 12707 is L. C. Colvin.

Application 12707 was protested on December 23, 1948, by Willard Cattle Co. on the grounds that granting a permit would impair the value of existing rights owned by the protestant, and that it would permit the applicant to graze livestock on the open range controlled by waters and water rights owned by the protestant.

An answer to the protest of Willard Cattle Co. was filed on March 4, 1949, by James M. Daniels. It asserts that the protestant did not have, nor ever did have, grazing privileges in the area; and prays that the protest be set aside.

Existing rights on the source are as follows:

Certificate 2201, issued under Permit 8977, filed June 30, 1929, is for 0.003125 c.f.s. of water for stockwatering purposes from Yellow Tiger Tunnel. The point of diversion is stated to be within the SW $\frac{1}{4}$ SW $\frac{1}{4}$  Section 1, T.5S.,R.44E., M.D.B.&M. (unsurveyed). The place of use is within the NE $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 2 of the same township. The owner of record is L. C. Colvin.

Permit 22896, owned by Frank W. Lewis, is for 0.5 c.f.s. of water from Tiger Tunnel for mining and domestic purposes. The point of diversion is stated to be within the NE $\frac{1}{4}$ SW $\frac{1}{4}$  of Sec. 12, T.5S.,R.43E., (unsurveyed) and the proposed place of use is within various subdivisions in Sections 12 and 13, T.5S.,R.43E., and Section 5, T.5S.,R.44E.,M.D.B.&M. The date of priority is December 20, 1965.

Although the point of diversion described in Permit 22896, and the points of diversion described in Permit 8977 and Application 12707 are nearly six miles apart, it is apparent that they all pertain to the same source.

The range user in the area is L. C. Colvin as reported by letter from the Bureau of Land Management, Las Vegas District Office, dated November 4, 1969.

A field investigation in the matter of Application 12707 was held on October 6, 1969.

RULING

The protest to Application 12707 is overruled, on the grounds that the protestant has no water rights or grazing privileges in the area which can be damaged or impaired by the proposed diversion. A permit will be issued under Application 12707 upon payment of the statutory fees.

Respectfully submitted,

  
Roland D. Westergard  
State Engineer

RDW:JCP:jw

Dated this 12th day of  
November, 1969.