

IN THE MATTER OF APPLICATION 24723)
FILED BY JOHN W. MINK FOR PERMISSION) R U L I N G
TO APPROPRIATE WATER FROM UNNAMED)
SPRING NO. 1, IN ELKO COUNTY, NEVADA.)

GENERAL:

Application 24723 was filed by John W. Mink on October 17, 1968, for permission to appropriate 1.0 c.f.s. of water for stock watering and domestic purposes from an unnamed spring. The proposed point of diversion is described as within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 32, T.45N., R.56E., M.D.B.&M. The proposed place of use is described as within the SE $\frac{1}{4}$ said Section 32. The applicant proposes to water 20 head of cattle from this source.

A letter dated October 24, 1968, was sent to the Bureau of Land Management requesting information regarding the range rights in this area. No reply was received to this letter. A letter dated March 19, 1969, was sent to the Bureau of Land Management requesting information regarding range rights within this area. Their reply dated March 26, 1969, states that the parcels of land under Mr. Minks application are located within the Humboldt National Forest and that they referred our letter to them. A letter dated October 7, 1969, from the U. S. Dept. of Agriculture, Forest Service, states that this spring is located within Sun Flower Flat allotment, and the range users were Archie Cobari, Prudencio Mendive, PX Ranch Company, and J. Ramon Samavia. A letter dated October 6, 1969, was sent to the applicant by certified mail informing him of the listed range users in the Forest Services letter and giving him a 30 day period to submit evidence that he has range rights in this area. A return receipt signed by Robert E. Gregory for John Minks was received in this office on October 13, 1969. No reply has been received to this letter.

RULING

Application 24723 is herewith denied on the grounds that the applicant does not have range rights in the area covered by this application, therefore, application of water to beneficial use cannot be contemplated as provided under NRS 533.370.

Respectfully submitted,


Roland D. Westergard
State Engineer

RDW: jw

Dated this 26th day of

November, 1969.