

IN THE MATTER OF APPLICATION 24455)
FILED BY NEVADA FISH AND GAME COMMISSION)
TO CHANGE THE POINT OF DIVERSION AND)
MANNER AND PLACE OF USE OF WATER FROM)
KINGSTON CREEK (AKA BIG SMOKY CREEK) IN)
LANDER COUNTY, NEVADA.)

R U L I N G

GENERAL

Application 24455 was filed April 25, 1968, by the Nevada Fish and Game Commission to change the point of diversion, manner and place of use of 0.82 c.f.s., 162.80 ac. ft./annum, of the waters of Kingston Creek for recreation and wildlife propagation and reservoir storage. The proposed point of diversion is to be within the NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 20, T.16N., R.43E., M.D.B.&M. The period of use is to be from January 1 to December 31 of each year.

This Application is to change the point of diversion, manner and place of use of water heretofore appropriated under Kingston Creek Decree 3073, Page 18, Proof of Appropriation No. 02443, listed under the name of Elvin F. Beard and Harriet T. Beard, since transferred to the applicant. The Decree granted a diversion of 0.82 c.f.s. for 162.80 acre feet of water to be used for the irrigation of 40.7 acres of harvest crop in portions of Sections 17, 20 and 21, T.16N., R.43E., M.D.B.&M.

Application 24455 was protested August 6, 1968, by Young Brothers Livestock, Inc., on the grounds that the application did not fully state all of the particulars required by NRS 533.345 and NRS 535.010.

The waters of Kingston Creek have been adjudicated, the decree being issued March 22, 1963.

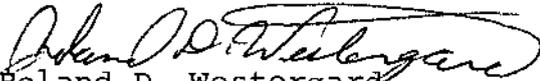
RULING

Application 24455 describes the place of use and complies in all respects with the requirements of NRS 533.345 and NRS 535.010.

The proposed change of the point of diversion, manner and place of use will not adversely affect existing rights. The

protest to the granting of Application 24455 is herewith overruled and a permit will be issued subject to all existing rights on the source.

Respectfully submitted,


Roland D. Westergard
State Engineer

RDW:SH:jw

Dated this 20th day
of August, 1968.