

IN THE MATTER OF APPLICATION NO. 12996  
IN NAME OF WAYNE WIGHTMAN TO APPROPRIATE  
THE WATERS OF KITTEN CREEK AND KITTEN  
SPRING FOR STOCKWATERING PURPOSES,  
PERSHING COUNTY, NEVADA.

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RULING

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Application No. 12996 was filed August 2, 1949 by Wayne Wightman to appropriate 0.00625 c.f.s. of the waters of Kitten Creek and Kitten Spring for the watering of 200 head of stock. The proposed point of diversion is within the NW $\frac{1}{4}$  NE $\frac{1}{4}$  Section 10, T. 25 N., R. 36 E., and the place of use is within the same subdivision.

On March 21, 1950 a protest to the granting of a permit under Application No. 12996 was filed by Gus Duncan, Jr.

On March 28, 1950 the Bureau of Land Management advised us by letter that they would have no objection to the granting of said permit providing certain provisions were included, these being:

1. Water to be used only to the time and extent previously stated which the Wightman stock are permitted to use the area. (extent and time is for 50 cattle Class II from April 1st to October 31st).
2. That said permit would not prevent the permitted stock of the Seven Devils ranch from having full access to the spring.
3. That drift livestock of Pleasant and Buena Vista Valley livestock operators be allowed access to the spring.

The Bureau of Land Management further advised that the Seven Devils ranch has a license for 135 cattle and 10 horses, and that Wayne Wightman has a license for 50 head of cattle during certain periods.

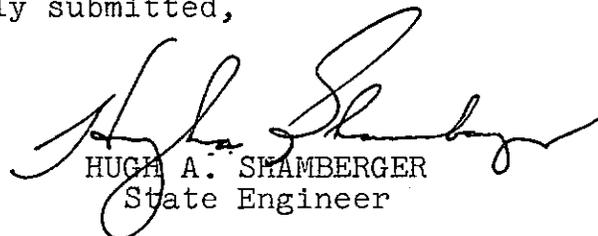
We have been advised that Applicant Wightman has purchased the Seven Devils ranch from Protestant Gus Duncan, Jr. This being

the case, we can overrule the protest and grant a permit under Application No. 12996.

RULING

The protest of Gus Duncan, Jr. was based on the water and range rights appurtenant to the Seven Devils ranch. Since this ranch is now owned by Applicant Wayne Wightman, said protest can be considered as being void. A permit can be issued under Application No. 12996 in the amount of 0.00625 c.f.s., or sufficient to water 200 head of livestock. It is understood that the customary drift of livestock be allowed access to such water.

Respectfully submitted,

  
HUGH A. SHAMBERGER  
State Engineer

Dated August 16, 1951.