

IN THE MATTER OF APPLICATION No. 24072)
FILED ON AUGUST 18, 1967 AND APPLICATION)
No. 24302 FILED ON DECEMBER 29, 1967 BY)
KENNETH J. BECK TO APPROPRIATE THE WATERS)
OF HAMPTON CREEK IN WHITE PINE COUNTY.)

R U L I N G

General:

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Application No. 24072 was filed on August 18, 1967 by Kenneth J. Beck to appropriate 5.0 c.f.s. of water from Hampton Creek to be used for irrigation and domestic purposes. The point of diversion is stated to be within the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ Section 14, T. 16N., R. 70E., M.D.B.&M. (unsurveyed). The place of use is the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 4, the S $\frac{1}{2}$ of the SE $\frac{1}{4}$, the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 5, the NE $\frac{1}{4}$ NW $\frac{1}{4}$ and N $\frac{1}{2}$ of the NE $\frac{1}{4}$ of Section 8, all in T. 18S., R. 19W., S.L.B&M. The place of use is in Utah.

Application No. 24302 was filed on December 29, 1967 by Kenneth J. Beck to appropriate 0.0217 c.f.s. of water from Hampton Creek to be used for stockwatering and domestic purposes. The point of diversion is the same as that stated for Application No. 24072. The place of use is the NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 7, T. 18S., R. 19W., S.L.B&M. The place of use is in Utah.

Applications 24072 and 24302 were protested on February 26, 1968 by Norman L. Goeringer, President of Industrial Minerals Incorporated. The grounds on which the protests were made were identical for each application and are as follows:

"This water had been filed on by one of the original Lessees who perfected the use by making a diversion ditch over a mile in length, built a reservoir, and piped water to a mill site. The water was used for the concentration of garnet bearing rock. Industrial Minerals, Inc., a Nevada corporation, intends to reactivate the mill. We have a large investment in these lode mining claims and placer mining claims. The granting of any of this water to other users will jeopardize and stop future development of the property."

There are no other valid applications, permits, or claims of vested rights to appropriate the waters of Hampton Creek of record in the Office of the State Engineer.

A field investigation in the matter of Applications 24072 and 24302 was made on March 21, 1968.

OPINION

There is no indication that granting of permits under Applications 24072 and 24302 will impair the value of existing rights, or be otherwise detrimental to the public interest.

RULING

The protests to Applications 24072 and 24302 are hereby overruled and a permit will be issued, subject to existing rights, upon payment of the statutory filing fees.

Respectfully Submitted,


Roland D. Westergard
State Engineer

RDW:JCP:DIH

Dated This 1st Day of
May 1968