

IN THE MATTER OF APPLICATION 13682)
FILED BY E. D. HALSTEAD FOR THE)
WATERS OF DUCKWATER CREEK LOCATED)
IN NYE COUNTY, NEVADA.)

R U L I N G

General:

1738 Application 13682 was filed on April 16, 1961, to appropriate 2.0 c.f.s. of water from Duckwater Creek for stockwatering purposes. The point of diversion is described as being located in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 27, T. 12 N., R. 56 E., M. D. B. & M. and the place of use in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 30, T. 12 N., R. 57 E., M. D. B. & M. It is proposed to water 100 head of cattle and 2,000 head of sheep from September 1st to April 31st of the following year.

This application was protested by the Bartholomae Corporation on July 19, 1951.

Duckwater Creek is the subject of the Averill Decrees of 1909 and 1910 and a certain stipulation of 1930 along with certain permits granted subject to decreed rights.

RULING

The protest to the granting of Permit 13682 is herewith overruled and a permit will be granted upon receipt of the statutory permit fees subject to the following conditions:

1. Subject to all existing rights on the source.
2. Subject to existing decrees on the source and with the understanding that there will be no regulation of decreed rights for the benefit of this permit.
3. With the understanding that the diversion shall not exceed the amount required to deliver 0.0155 c.f.s. or sufficient to water 100 cattle and 2,000 sheep, to the place of use, and the diversion shall not exceed 2.0 c.f.s. under any circumstances.

Respectfully submitted,


Roland D. Westergard
State Engineer

RDW:PGM:kjm

Dated this 7th day

of May, 1970.