

IN THE MATTER OF APPLICATION 17595)
FILED BY GLADYS M. SCOTT TO APPRO-)
PRIATE WATER OF KINGS RIVER IN)
HUMBOLDT COUNTY, NEVADA.)

R U L I N G

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Application 17595 was filed on July 3, 1958, by Gladys M. Scott to appropriate 10 c.f.s. of water from Kings River to be used in support of Desert Land Entry 044136, for the irrigation of 320 acres of land located within the E½ of Section 9, T. 44 N., R. 34 E., M.D.B. & M. The proposed point of diversion is located on the section line between the SE¼ SE¼, Section 4 and the NE¼ NE¼, Section 9, T. 44 N., R. 34 E., M.D.B. & M. The proposed period of use is from March to July of each year.

Application 17595 was protested on November 24, 1958, by Cleto Bengoa, President of Bengoa Ranching Company, Inc., on the following grounds, to wit: "That Bengoa Ranching Company, Inc., by itself and through its predecessors in interest, have vested rights in and to all waters of Kings River. That there are no excess waters in Kings River which have not been appropriated to beneficial use and used pursuant to said vested rights by protestant."

A field investigation was conducted on August 23, 1961, relevant to the application and protest. The protestant was present at the investigation, but the applicant was not present or represented.

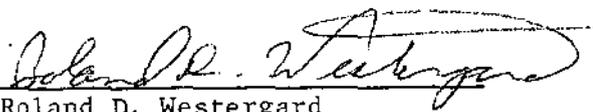
The FINDINGS OF FACT, CONCLUSIONS OF LAW, AND FINAL JUDGEMENT AND DECREE IN THE MATTER OF THE DETERMINATION OF THE RELATIVE RIGHTS IN AND TO THE WATERS OF KINGS RIVER AND ITS TRIBUTARIES IN HUMBOLDT COUNTY, NEVADA, CASE NO. 6513, was affirmed and filed on March 10, 1966, in the District Court of the Sixth Judicial District of the State of Nevada, County of Humboldt. The Decree provides that the entire waters of the stream system known as Kings River and its tributaries are fully appropriated, and there is no further surplus water for irrigation during the irrigating season. The Decree also provides that the claimants may use water at any time during the year.

RULING

The protest of Cleto Bengoa, President of Bengoa Ranching Co., Inc. to Application 17595 is sustained and Application 17595 is denied on the grounds that there is no unappropriated water in the proposed source of supply.

Respectfully submitted,

GEORGE W. HENNEN
STATE ENGINEER

BY: 
Roland D. Westergard
Assistant State Engineer

RDW:LEP:jw

Dated this 15th day

of December, 1966.