

IN THE MATTER OF APPLICATION NO. 10487 )  
FILED BY R. A. YELLAND ON NOVEMBER 8, :  
1939 FOR THE WATERS OF NIGGER CREEK IN :  
WHITE PINE COUNTY, NEVADA. )

AMENDED RULING

By a ruling of the State Engineer dated July 18, 1946 it was ordered that Application No. 10487 be denied on the grounds that the waters of Nigger Creek are fully appropriated and are now being placed to beneficial use.

An appeal was filed to the ruling of the State Engineer on August 15, 1946. Subsequently, and on March 1, 1949, an opinion and decision was handed down by District Judge Harry M. Watson of the Seventh Judicial District Court of the State of Nevada, in and for White Pine County, Case No. 5192. In this decision the Court ordered that the ruling of the State Engineer in granting Application No. 10437 and denying Application No. 10487 be reversed and that Plaintiff H. T. Rogers be permitted all surplus unappropriated water on Nigger Creek under Application No. 10487, in the amount of not less than 0.6663 c.f.s. and not more than 1.5 c.f.s.

On January 21, 1949 R. A. Yelland, protestant under Application No. 10487 assigned his rights on Nigger Creek to H. T. Rogers.

Pursuant to the order of the Court a permit will be issued under Application No. 10487 in the amount of 1.5 c.f.s. following receipt of the statutory permit fee of \$21.00. The 1.5 c.f.s. of water herein granted will be granted subject to all existing rights on the source.

Respectfully submitted,

  
HUGH A. SHAMBERGER  
State Engineer

June 27th, 1951.