

IN THE MATTER OF APPLICATION 27127)
FILED BY RECREATION UNLIMITED, INC.)
FOR PERMISSION TO APPROPRIATE WATER)
FROM AN UNDERGROUND SOURCE IN LANDER)
COUNTY, NEVADA)

R U L I N G

GENERAL:

Application 27127 was filed November 9, 1972 by Recreation Unlimited, Inc., for permission to appropriate 5.57 c.f.s. from an underground source for quasi-municipal purposes. The point of diversion is located within the SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 36, T.16N., R.43E., M.D.B. & M., and the place of use is described as Kingston Town, Kingston Ranch Subdivision and Kingston Canyon Stream sites located in Sections 35 and 36, T.16N., R.43E., M.D.B. & M. and Sections 29, 30, and 31, T.16N., R.44E., M.D.B. & M.

A protest to the granting of Application 27127 was filed on April 17, 1973 by Young Bros. Livestock, Inc. on the grounds that: "the proposed point of diversion is in or near the natural channel of Kingston Creek (Big Smoky Creek) and its tributaries, an adjudicated stream system. Protestant owns the decreed, certificated and permitted water rights upon said stream system. Unless the State Engineer requires applicant's well to be cased, sealed and unperforated between the surface and the first water-impervious strata below the surface, applicant's well at the proposed point of diversion will divert water from said surface stream system, to the impairment, detriment, prejudice and irreparable harm of protestants aforesaid prior rights." The protest prays that Application 27127 "be denied, or issued only upon the condition that applicant install and maintain adequate casing, sealing and nonperforation between the surface and the first water-impervious strata below the surface."

RULING:

The protest to the granting of Application 27127 is hereby overruled and upon payment of the statutory permit fees, a permit will be issued subject to existing rights.

The permit will be further subject to the provisions that no perforations shall be put in the casing until after the well is completed and the log made available for study, and that perforations shall not start less than 100 feet from the surface unless the log shows a satisfactory confining formation nearer the surface.

Respectfully submitted,



Roland D. Westergard
State Engineer

Dated this 31st day of
May, 1973.

RDW/BAR/bs