

IN THE MATTER OF APPLICATION 8706)
IN THE NAME OF HALF CIRCLE CATTLE)
COMPANY FOR PERMISSION TO APPRO-)
PRIATE WATER FROM FILLIPINI SPRING)
NO. 1 IN LANDER COUNTY, NEVADA)

R U L I N G

GENERAL:

Application No. 8706 was filed on September 27, 1928 for permission to appropriate 0.5 c.f.s. from Fillipini Spring No. 1 for watering of 600 head of cattle and 100 horses. The point of diversion and place of use lie within the NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 25, T. 30 N., R. 46 E., M.D.B.&M.

Protests were filed December 5, 1928 by Samuel R. Clark; December 10, 1928 by X. Rodwell Meyer; and on January 2, 1929 by Central Pacific Railway Company.

Samuel R. Clark protested the granting of the application on the grounds that the protestant owned the land on which the spring is situated and land adjacent to the spring. A letter was sent to the protestant by certified mail on July 7, 1969 and was returned by the postal department stamped "unclaimed".

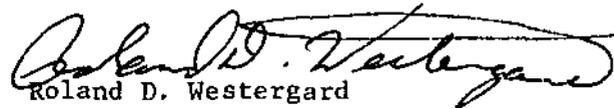
X. Rodwell Meyer protested the granting of the application on the grounds that the protestant had for many years had a subsisting and vested right to all the waters of Fillipini Spring No. 1. A letter was sent to the protestant on July 7, 1969 by certified mail and was returned by the postal department stamped "unknown".

Central Pacific Railway protested the granting of the application on the grounds that the protestant "---are the owners of the land upon which the said 'Filipini Spring No. 1' is situate---". The Central Pacific Railway was contacted by certified mail on July 7, 1969 and a reply dated August 26, 1969 stated that the protestants had no further interest in maintaining protest.

RULING

The protests against Application 8706 are herewith overruled on the grounds that the granting of a permit under this application would not impare any existing rights and would not be detrimental to the public welfare. A permit will be issued under this Application subject to existing rights upon receipt of the statutory filing fees. The granting of a permit under this application does not in any way constitute the granting of rights of ingress or egress to the applicant.

Respectfully submitted,


Roland D. Westergard
State Engineer

RDW:JCP:jls

Dated this 13th day
of November, 1969.