

IN THE MATTER OF APPLICATION 9469 AND 9475)
FILED ON JUNE 6, 1931 BY W. D., M. E. CATON,)
AND J. E. MALLOY TO APPROPRIATE WATER FROM)
LITTLE ANTELOPE SPRING AND MURPHY SPRING)
FOR STOCKWATERING AND DOMESTIC PURPOSES IN)
LANDER COUNTY, NEVADA)

R U L I N G

GENERAL:

Application 9469 was filed on June 6, 1931 by W. D., M. E. Caton, and J. E. Malloy to appropriate .5 c.f.s. of water of Little Antelope Spring for stockwatering and domestic purposes.

The point of diversion is described as being in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 25, T22N, R40E, M.D.B&M., and the place of use within the same subdivision.

This application was protested on November 6, 1931 by the W. T. Jenkins Company; on December 10, 1931 by St. John LaBorde, Attorney In Fact for LaBorde Brothers & Company, on the grounds that the granting of said application would be contrary to the provisions of an Act of Legislature of the State of Nevada (Page 348, Statutes of 1925) approved April 1925, and the granting of said application would cause considerable damage to protestant and deprive protestant of the use of water and range.

The protest filed by LaBorde Brothers & Company is on the grounds that the spring is on patented land owned by said company, and that a vested right to said water is held by said company.

These protests were investigated December 6, 1932 by J. A. Miller. He stated in his report: "It is quite evident that both applicants and protestants have acquired vested rights to the use of the waters of Little Antelope Spring and before action is taken on this application a formal hearing should be conducted in order to determine the extent of each right."

Application 9475 was filed June 10, 1931 by J. E. Malloy to appropriate .5 c.f.s. of water of Murphy Spring for stockwatering and domestic purposes.

The point of diversion is described as being in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 4, T21N, R42E, MDB&M.

This application was protested November 6, 1931 by W. T. Jenkins Company on the grounds that the granting of said application would be contrary to the provisions of an act of legislature of the State of Nevada (Page 348, Statutes of 1925) and

the granting of said application would cause considerable damage to protestant and deprive protestant of the water and range.

This protest was investigated December 7, 1932 by J. A. Miller. In his report he recommended the protest be overruled and the application be approved.

On October 10, 1966, letters from this office were forwarded to W. D. and Mildred Caton, and J. E. Malloy, requesting additional information under Applications 9469 and 9475. The letter to Caton was returned October 13, 1966 marked, "Deceased". The letter to J. E. Malloy was answered November 7, 1966 by Helene T. Malloy, widow of J. E. Malloy, stating that there was no further interest in these applications. It is the responsibility of the applicants or their successors in interest, to keep the State Engineers Office informed of any change of address. As of the date of this ruling, Mr. W. D. and Mildred Caton, or their successors in interest have expressed no interest or intention of pursuing these applications nor kept this office advised of address changes, or changes in ownership.

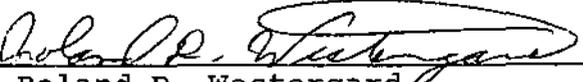
R U L I N G

Applications 9469 and 9475 are denied on the grounds that the applicant failed to submit additional information as requested and approval without such information would be detrimental to the public welfare.

Respectfully submitted,

GEORGE W. HENNEN
STATE ENGINEER

By:


Roland D. Westergard
Assistant State Engineer

RDW:RRD:jw/ja

Dated this 25th day
of November 1966.