

IN THE MATTER OF APPLICATIONS 8764 &)
8846 FILED FOR THE WATERS OF CARLSON)
SPRINGS AND CREEK, ELKO COUNTY,)
NEVADA)

R U L I N G

GENERAL:

Application 8764 was filed on November 18, 1928 by J. E. Marble to appropriate .3 c.f.s. of the waters of Carlson Springs and Creek to be diverted within the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 5, T. 39 N., R. 59 E., M.D.B.&M. and to be used for stockwatering and domestic purposes in the same sub-division as the point of diversion.

Application 8846 was filed on March 13, 1929 by J. E. Marble to appropriate 3.0 c.f.s. of the waters of Carlson Springs and Creek to be diverted within the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 5, T. 39 N., R. 59 E. and to be used for the irrigation of 100 acres of land within the NW $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$ Section 5, T. 39 N., R. 59 E., M.D.B.&M. and domestic purposes.

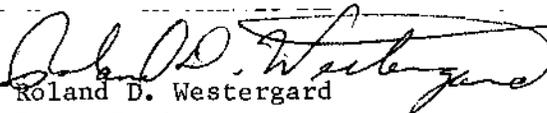
These applications were protested on May 17, 1929 by Andrew Tourreuil on the following grounds: "That all the waters of said springs and creeks have been appropriated and used continuously by protestant and his predecessors in interest since prior to March 1, 1905; that protestant has a vested right in and to the use of all of said waters."

These applications were transferred to John M. and Robert E. Marble on December 21, 1934. On January 22, 1969 a letter was addressed to Andrew Tourreuil, c/o McNamara and Robbins, Attorneys at Law, Elko, Nevada. The certified receipt was signed by Charles B. Evans, Jr., Attorney at Law in Elko. Mr. Tourreuil was advised in this letter that if he were interested in continuing the protests, he must notify this office within 30 days from the date of the letter. No reply having been received, it is assumed that Mr. Tourreuil is no longer interested in pursuing his protest.

RULING

The protests to the granting of Applications 8764 and 8846 are herewith overruled on the grounds that the protestant has shown no interest in pursuing his protest. A permit will be granted under these Applications subject to all existing rights upon receipt of the statutory filing fees.

Respectrully submitted,


Roland D. Westergard
State Engineer

RDW:TJS:jls

Dated this 26th day

of June, 1969.