

IN THE MATTER OF APPLICATION 8707)
IN THE NAME OF HALF CIRCLE CATTLE)
CO., INC. FOR PERMISSION TO APPRO-)
PRIATE WATER FROM FILLIPINI SPRING))
NO. 2 IN LANDER COUNTY, NEVADA)

R U L I N G

GENERAL:

Application 8707 was filed on September 27, 1928 by Dan Fillipini to appropriate 0.5 c.f.s. of water from Fillipini Spring No. 2 for stockwatering purposes. The point of diversion and place of use are located within the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 12, T. 30 N., R. 46 E., M.D.B.&M.

Protests were filed on December 5, 1928 by Samuel R. Clark and on December 10, 1928 by X. Rodwell Meyer.

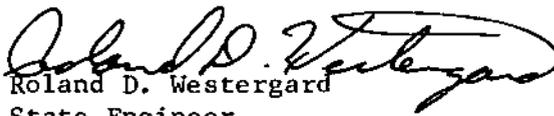
Samuel R. Clark protested the granting of the application on the grounds that "The protestant owns land surrounding this section and to grant this application would deprive the protestant of the use of his land for the reason that it is necessary to water his sheep at these springs---". A letter was sent to the protestant by certified mail on July 7, 1969 and was returned by the postal department marked "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. 2. A letter was sent to the protestant on July 7, 1969 by certified mail and was returned by the postal department stamped "unknown".

RULING

The protests against the granting of Application 8707 are herewith denied 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 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:KLW:jls

Dated this 13th day

of November, 1969.