

IN THE MATTER OF APPLICATION NO. 8565 }
FILED BY WEEKS BROTHERS FOR WATER FROM }
WISEMON SPRING CHANNEL IN ELKO COUNTY, }
NEVADA. }

R U L I N G

GENERAL:

Application No. 8565 was filed by Weeks Brothers on June 12, 1928 for permission to appropriate 20.0 cfs of water from Wisemon Spring Channel and tributaries for irrigation and domestic purposes. The point of diversion is described as being on the Township line between T. 36 N., R. 62 E., and T. 35 N., R. 63 E., 800 feet E., of the NW corner of Section 4, T. 35 N., R. 62 E., M.D.B.&M. The proposed place of use is described as 3080 acres within portions of Sections 4, 7, 10, 14, 15, 22, 25, and 26, T. 35 N., R. 62 E., M.D.B.&M.

A portion of this application has been assigned down to Dr. Blair G. Johns and Josephine B. Johns. As of March 19, 1969, the owners of record of this application are Blair G. Johns and Josephine Johns 34.3%, Utah Construction Company 38%, J. E. Hanson 5.4%, R.O.M. Investment Company 23%.

This application was protested by J. A. Ralph on September 6, 1929, on the grounds that Wisemon Spring is the same spring as "Fish Spring" and that the protestant has beneficially used the water from this source for the past 40 years and that there is no unappropriated water from this source. A letter was forwarded to Mr. J. A. Ralph by certified mail on April 4, 1969 inquiring if he was still interested in pursuing this protest. This letter was returned by the Post Office Department stamped, "Deceased". It is the responsibility of the protestant or his successors in interest to keep this office informed of their current mailing address.

RULING

The protest against the granting of Application No. 8565 is herewith overruled and a permit will be issued upon receipt of statutory permit fees.

Respectfully submitted,


Roland D. Westergard
State Engineer

RDW:RRD:jb

Dated This 26th Day

of November, 1969.