

IN THE MATTER OF APPLICATIONS NOS.  
16730, 16731, 16732, and 16733, FILED  
SEPTEMBER 2, 1955 BY ROY AND FRANCIS  
L. PRIMEAUX.

APPLICATION 16730 WAS PROTESTED  
JANUARY 19, 1956 BY JOHN H. AND  
OLIVE B. MURRAY.

APPLICATION 16732 WAS PROTESTED  
DECEMBER 19, 1955 BY THE DEPARTMENT  
OF HIGHWAYS, AND ON JANUARY 20, 1956  
BY JOHN H. AND OLIVE B. MURRAY.

RULING

General:

The springs applied for under Application 16732 - (Old Emigrant Spring), and Application 16730 - (Primeaux Spring), are located on property under contract of sale to John H. and Olive B. Murray, who are now in possession of, and are the equitable owners of said land through assignment of a contract of sale which was entered into June 17, 1953 between Roy and Francis L. Primeaux, assignors, and Travis G. and Doris C. Edgar, assignees.

Prior to June 17, 1953 the Primeauxs used the water of Primeaux Spring on the property now in possession of the Murrays, and since that time either the Edgars or the Murrays have continued the use.

On August 25, 1937 the Primeauxs leased the waters of Old Emigrant Spring to the Department of Highways and granted an easement to the Department for the purpose of conveying the water to the Department's property. This lease is still in full force and effect, and the Highway Department is now making use of the water under said lease in the same manner as it has since 1937.

Application 16731 - (Fish Pond Spring), and Application 16733 (Rattlesnake Spring) are for waters not now being used, and the springs are on property belonging to the Primeauxs.



Opinion:

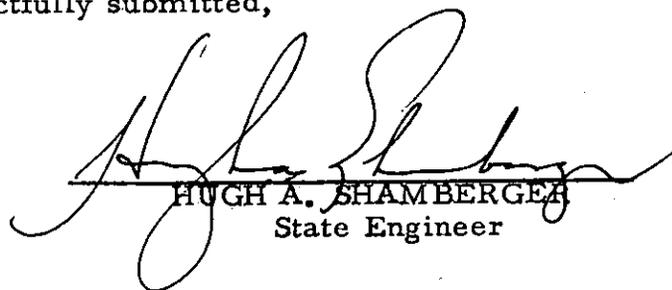
It is the opinion of the State Engineer that the granting of permits under Applications 16730 and 16732 would create a condition wherein there would be constant controversy and/or litigation, and therefore would be detrimental to the public welfare.

RULING

Applications 16730 and 16732 are denied on the grounds that they are detrimental to the public welfare. The protests of John H. and Olive B. Murray, and the Department of Highways are sustained.

Permits will be granted to Roy and Francis L. Primeaux under their Applications 16731 and 16733 upon receipt of the statutory fee for issuing permits.

Respectfully submitted,

  
HUGH A. SHAMBERGER  
State Engineer

EM : at

Dated this 19th day  
of April, 1956.