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IN THE OFFICE OF THE STATE ENGINEER OF THE STATE OF NEVADA.

IN THE MATTER OF APPLICATION
NUMBER 10345, FILED BY MRS. EFFIE
M. FISK, of GERLACH , COUNTY
OF WASHOE , STATE OF NEVADA ,
ON MARCH 11th, 1939, TO APPROPRIATE
THE WATERS OF NO NAME SPRING.



PROTEST OF GERLACH
LIVESTOCK COMPANY AND
GERLACH & WALTZ.

COMES NOW GERLACH LIVESTOCK COMPANY, a California
corporation qualified to do and doing business under and by
virtue of the laws of the State of Nevada, with principal
office in the State of Nevada, at Room 322 First National
Bank Building, Reno, Nevada, and whose business is that of
stock raising and agriculture, by and through Edward P. Waltz,
its duly authorized, qualified and acting General Manager,
and GERLACH & WALTZ, a copartnership, whose Post Office ad-
dress is Gerlach, Nevada, and whose business is that of stock
raising and agriculture, by and through Edward P. Waltz, co-
partner therein, and protests the granting of Application No.
10345, filed on March 11th, 1939, by Mrs. Effie M. Fisk, of
Gerlach , County of Washoe , State of Nevada ,
to appropriate .025 of a second foot of the public waters
of the State of Nevada, diversion to be made from No Name
Spring at a point in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 33, Township 35
North, Range 22 East, M. D. B. & M., or at a point from which
the W. $\frac{1}{4}$ corner of Section 4, Township 34 North, Range 22
East, bears S. 19 degrees 29' W., 2,795 feet. Water will be
conveyed by pipe line to the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 4, Township

Handwritten initials: e/r. f/w.

1 34 North, Range 22 East, M. D. M., and there used for mining
2 and domestic purposes from January 1st to December 31st of
3 each year, which Spring and waters are situate in the County
4 of Washoe, State of Nevada, for the following reasons and on
5 the following grounds, to-wit:-

6 That said application does not comply with the
7 terms and provisions as prescribed by Section 59, Chapter 59
8 of the Statutes of Nevada, 1919.

9 That for many years previous to 1905, and to
10 about March, 1924, at which time Gerlach Livestock Company
11 leased its real holdings to Gerlach & Waltz, of which the
12 Gerlach Livestock Company is a partner, and ever since, the
13 said Gerlach Livestock Company and Gerlach & Waltz have applied
14 the waters of said spring to a beneficial use and particularly
15 have used the said waters and do now use the said waters of
16 No Name Spring for stock raising purposes, and the said Gerlach
17 Livestock Company claims a vested right therein.

18 That the granting of the application by the State
19 Engineer would be in conflict with and in violation of that
20 certain Act entitled:

21 "An Act relating to the use of waters
22 for watering livestock, the acquisition and proof
23 of the right to such use, making such actions a
24 misdemeanor and prescribing a penalty therefor."
Approved April 1st, 1925, being Chapter 20,
Statutes of Nevada, 1925,

25 in that the protestants and their predecessors have a subsisting
26 right to water range livestock at No Name Spring and in
27 sufficient numbers to utilize substantially all that portion
28 of the public range readily available to livestock watering
29 at No Name Spring.

30 That the said Gerlach Livestock Company and

1 Gerlach & Waltz now use and now need all the waters of said
2 spring each and every year to properly water the livestock
3 which they have been placing on the ranges surrounding said
4 Spring for many years, previous to 1905, and which they now
5 use for stock watering purposes.

6 WHEREFORE, protestants Gerlach Livestock Company,
7 by and through its duly qualified, acting, and authorized
8 General Manager, Edward P. Waltz, by and through proper
9 resolution of its Board of Directors, and the Gerlach &
10 Waltz, by and through one of its partners, Edward P. Waltz,
11 pray that the application be denied, and that the use of the
12 waters herein claimed by protestants be confirmed and that an
13 order be entered establishing said right, and for such other
14 relief as the State Engineer deems just and proper.

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16 GERLACH LIVESTOCK COMPANY

17 BY Edward P. Waltz

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20 GERLACH & WALTZ,

21 BY Edward P. Waltz

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STATE OF NEVADA, |
 | S S.
COUNTY OF WASHOE, |

EDWARD P. WALTZ, being first duly sworn, deposes
and says:

That he is the duly qualified, acting and
authorized General Manager of Gerlach Livestock Company, and
copartner in the firm of Gerlach & Waltz, and that he makes
this affidavit for and on behalf of said Gerlach Livestock
Company and Gerlach & Waltz; that he has read the foregoing
Protest and knows the contents thereof; that the same is true
of his own knowledge, except as to the matters therein
stated upon information and belief, and as to those matters
he believes it to be true.

Edward P. Waltz

SUBSCRIBED and SWORN to before me
this 29th day of June, 1939.

John S. Sinai
Notary Public.

ESLEECK MFG. CO.
MADE IN U.S.A.