

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

FILED
MAR 3 1987
STATE ENGINEER'S OFFICE

IN THE MATTER OF APPLICATION NUMBER 50362
FILED BY William A. Tomerlin
ON November 14 19 86, TO APPROPRIATE THE
WATERS OF Carey (Cary) Creek

PROTEST

Comes now Melvin H. Schwake, Sr. and Edrie Schwake

Printed or typed name of protestant

whose post office address is P. O. Box 278, Minden, Nevada 89423

Street No. or P.O. Box, City, State and Zip Code

whose occupation is Rancher

and protests the granting

of Application Number 50362, filed on November 14, 19 86

by William R. Tomerlin

Printed or typed name of applicant

to appropriate the

waters of Carey (Cary) Creek

Underground or name of stream, lake, spring or other source

situated in Douglas

County, State of Nevada, for the following reasons and on the following grounds, to wit:

There is no unappropriated water on the source. The undersigned and their predecessors in interest have used the water of Carey Creek for the purpose of irrigation, stock watering, domestic, generation of electricity and ground water recharge since before 1873. They therefore have vested water rights which cannot be impaired. Granting the application would impair those vested rights. If necessary, the undersigned will petition for an adjudication of the relative rights of all claimants to the waters of Carey Creek pursuant to NRS 533.090 et seq.

THEREFORE the protestant requests that the application be Denied.

(Denied, issued subject to prior rights, etc., as the case may be)

and that an order be entered for such relief as the State Engineer deems just and proper.

Signed Melvin H. Schwake Sr.
Agent or protestant

MELVIN H. SCHWAKE, SR.

Printed or typed name, if agent

Address P. O. Box 278

Street No. or P.O. Box No.

Minden, Nevada 89423

City, State and Zip Code No.

Subscribed and sworn to before me this 2nd day of March 19 87

Ellen M. Russell
Notary Public

State of NEVADA

County of WASHOE

ELLEN M. RUSSELL
Notary Public - State of Nevada
Appointment Recorded In Washoe County
MY APPOINTMENT EXPIRES JULY 8, 1988

\$10 FILING FEE MUST ACCOMPANY PROTEST. PROTEST MUST BE FILED IN DUPLICATE.
ALL COPIES MUST CONTAIN ORIGINAL SIGNATURE.