

IN THE MATTER OF APPLICATION 8708 )  
IN THE NAME OF HALF CIRCLE CATTLE )  
CO., INC. TO APPROPRIATE WATER FROM )  
FILLIPINI SPRING NO. 3 IN LANDER )  
COUNTY, NEVADA )

R U L I N G

GENERAL:

Application 8708 was filed on September 27, 1928 by Dan Fillipini to appropriate 0.5 c.f.s. of water from Fillipini Spring No. 3 for stockwatering purposes. The point of diversion and place of use are located within Lot 6, Section 19, T. 30 N., R. 47 E., M.D.B.&M.

Protests were filed on December 5, 1928 by Samuel R. Clark; on December 10, 1928 by X. Rodwell Meyer; and on January 2, 1929 by the Central Pacific Railway.

Samuel R. Clark protested the granting of this application on the grounds that the protestant owned the land on which the spring is situated and land adjacent to the spring. A letter was sent to the protestant by certified mail on July 7, 1969 and was returned by the postal department stamped "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 of the waters of Fillipini Spring No. 3. A letter was sent to the protestant on July 7, 1969 and was returned by the postal department stamped "unknown".

Central Pacific Railway protested the granting of the application on the grounds that the protestants "---are the owners of the land upon which the said 'Fillipini Spring #3' is situate---". The protestants were contacted by certified mail on July 7, 1969 and a reply dated August 26, 1969 stated that the protestants had no further interest in maintaining protest.

RULING

The protests against Application 8708 are herewith overruled 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 subject to existing rights upon receipt of the statutory filing fees. The granting of a permit under 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:JCP:jls

Dated this \_\_\_\_\_ day

of \_\_\_\_\_, 1969.