

IN THE MATTER OF APPLICATION 8760 FILED )  
BY P. T. SWALLOW FOR PERMISSION TO ) RULING  
APPROPRIATE WATER FROM CHRIS SPRING IN LINCOLN )  
COUNTY, NEVADA. )

GENERAL:

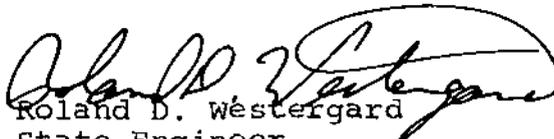
Application 8670 was filed by Richard T. Swallow on August 19, 1928, for permission to appropriate 0.5 c.f.s. of water from Chris Spring (aka Peterson Spring) for watering of 1,000 head of cattle and 4,000 sheep. The proposed point of diversion and place of use is described as within the NE $\frac{1}{4}$  SE $\frac{1}{4}$  Section 3, T. 6 N., R. 64 E., M.D.B.&M. This application was assigned to David A. Witts on March 9, 1965. A protest was filed under this application by J. L. Whyple on April 21, 1969, on the grounds that "said spring is within the 3 miles limit from Side Hill Spring which is located in the NW $\frac{1}{4}$  SW $\frac{1}{4}$  Section 33, T. 7 N., R. 64 E., owned by J. L. Whyple".

A letter was sent to the protestant July 7, 1969, by certified mail inquiring if he was still interested in pursuing this protest. A return receipt signed by J. L. Whyple was received on July 11, 1969. No reply has been received to this letter. A letter dated August 15, 1969, was forwarded to the Bureau of Land Management requesting information of the range rights in this area. Their reply dated August 26, 1969, states that David Witts has the range rights in the vicinity of the spring under this application.

RULING

The protest under Application 8670 is herewith overruled on the grounds that the protestant does not have a water right in this area which would be adversely affected. A permit will be issued under this application upon receipt of the statutory permit fees.

Respectfully submitted,

  
Roland D. Westergard  
State Engineer

RDW:RRD:dc

Dated this 25th day  
of November, 1969.