

IN THE MATTER OF APPLICATIONS 8268, 8269)
AND 8288 FILED BY THE CARSON AND TAHOE)
LUMBER AND FLUMING COMPANY TO APPROPRIATE)
WATER FROM THE SOUTH FORK AND THE NORTH)
FORK OF UNNAMED CREEK AND MARLETTE CREEK,)
RESPECTIVELY, IN ORMSBY COUNTY, NEVADA)

R U L I N G

GENERAL

Application 8268 was filed on August 8, 1927 by the Carson and Tahoe Lumber and Fluming Company to appropriate 1.5 cfs of water from the South Fork of Unnamed Creek for irrigation (150 acres) and domestic purposes. The point of diversion is described as within the SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 23, T.15N., R.18E., M.D.B.&M. The place of use is described as within portions of the E $\frac{1}{2}$ SE $\frac{1}{4}$ and SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 23 and portions of the NE $\frac{1}{4}$ Section 26, T.15N., R.18E., M.D.B.&M.

Application 8269 was filed on August 8, 1927 by the Carson and Tahoe Lumber and Fluming Company to appropriate 1.5 cfs of water from the North Fork of Unnamed Creek for irrigation (150 acres) and domestic purposes. The point of diversion is described as within the SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 23, T.15N., R.18E., M.D.B.&M. The place of use is described as within portions of the E $\frac{1}{2}$ SE $\frac{1}{4}$ and SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 23 and portions of the NE $\frac{1}{4}$ Section 26, T.15N., R.18E., M.D.B.&M.

Application 8288 was filed on August 12, 1927, by the Carson and Tahoe Lumber and Fluming Company to appropriate 2.0 cfs of water from Marlette Creek for irrigation (200 acres) and domestic purposes. The point of diversion is described as within the NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 11, T.15N., R.18E., M.D.B.&M. The place of use is described as within the S $\frac{1}{2}$ Section 11, T.15N., R.18E., M.D.B.&M.

Applications 8268, 8269 and 8288 were assigned by the Carson and Tahoe Lumber and Fluming Company to Hope, Walter D. and William S. Bliss by deed dated February 25, 1928 and filed in the office of the State Engineer on February 27, 1928.

A letter was sent to the Glenbrook Company to the attention of William S. Bliss on August 29, 1966 by certified mail requesting an expression of interest and additional information before further action could be taken on pending applications 8268, 8269 and 8288. A letter of response dated November 30, 1966 from Mr. James W. Johnson, Jr., Attorney at Law, stated that the Glenbrook Company and Mr. Bliss has desposed and transferred water right applications 8268, 8269 and 8288.

A letter dated January 30, 1967 was forwarded to Captain George Whittell with a copy to Mr. F. N. Dondero requesting an expression of interest and instruments of transfer if the subject applications were situated on lands owned or controlled by Captain George Whittell.

A letter dated October 29, 1969 was sent by certified mail to Hope, Walter D. and William S. Bliss as the owners of record of applications 8268, 8269 and 8288 with copies also by certified mail to Mr. James W. Johnson, Jr., Attorney at Law acting as agent for the Glenbrook Company and to Mr. F. N. Dondero acting as agent for Captain George Whittell, deceased. A letter of response dated November 24, 1969 was received in the office of the State Engineer on November 25, 1969 from G. W. Cobb, Senior Trust Administrator, First National Bank of Nevada under the subject: Court Trust 1253-Whittell.

A letter dated November 26, 1969 was sent to the First National Bank of Nevada to the attention of Mr. G. W. Cobb, Senior Trust Administrator with a copy to Mr. F. N. Dondero reviewing applications 8268, 8269 and 8288 with instructions for completion of the chain of title if the subject applications were applicable to lands in the name of George Whittell. No further response or correspondence has been received by this office in this regard.

RULING

Application 8268, 8269 and 8288 are herewith denied on the grounds that the owners of record, their assigns, or successors in interest have failed to submit the information requested, and the approval of these applications without the information requested would be detrimental to the public welfare.

Respectfully submitted,


Roland D. Westergard
State Engineer

RDW:WJN:jn

Dated this 29th Day

of January, 1971