

IN THE MATTER OF APPLICATION NO. 12462)
IN NAME OF F. E. & ERWIN HESSELGESSER)
AND JACK B. SMITH TO APPROPRIATE UNDER- : RULING
GROUND WATER (FAD SHAFT) EUREKA COUNTY,)
NEVADA.)

Application No. 12462 was filed May 24, 1948 by F. E. and Erwin Hesselgesser and Jack B. Smith to appropriate 9.0 c.f.s. of underground water from the Fad Shaft for the irrigating of 960 acres of land located in portions of Sections 20, 21, 28 and 29, T. 20 N., R. 53 E., M.D.M. The proposed point of diversion is given as being within the SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 10, T. 19 N., R. 53 E., and being about 2 $\frac{1}{2}$ miles northerly of the Fad Shaft.

The water applied for under the above numbered application is, as far as availability is concerned, non-existent at the present time. At the time the application was filed an extensive mine exploration development was under way by the Eureka Corporation on Ruby Hill near Eureka. In order to facilitate the development program, a large quantity of water was being pumped from the Fad Shaft. This water, flowing through natural channels, found its way into Diamond Valley in the general location as the proposed place of use under said application.

On about March, 1948, the heavy pressure of water behind the bulkheads of the 6th level in the Fad Shaft forced the collapse of the bulkheads with the resulting flooding of the shaft. Pumping operations ceased on December 16, 1948 when all efforts proved futile to drain the mine. Since that time the operations have been at a standstill, and while efforts are being made by the Mining Company to refinance in order to proceed with the work, at the present time we have no definite information that the development program will go forward.

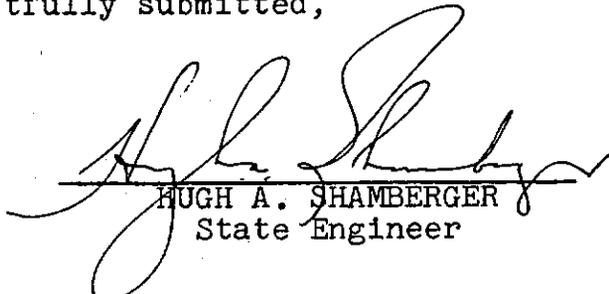


In view of the fact that for at least two years there has been no water available to appropriate at the proposed point of diversion, I feel it incumbent upon this office to deny said applications.

RULING

Application No. 12462 is herewith denied on the ground that the source of water applied for under said application is not available for appropriation as contemplated by the applicants.

Respectfully submitted,


HUGH A. SHAMBERGER
State Engineer

June 6, 1952.