

IN THE MATTER OF APPLICATION NO. 14465 IN)
 THE NAME OF THE FOWLER MINING CORPORATION :
 TO APPROPRIATE WATER FROM INDIAN SPRING : RULING
 IN ESMERALDA COUNTY, NEVADA.)

Application No. 14465 was filed on July 31, 1952 by the Fowler Mining Corporation to appropriate 1.0 c.f.s. of water from Indian Spring for mining, milling and domestic purposes. The proposed point of diversion and place of use are to be in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 17, T. 2 S., R. 34 E., M.D.B.&M.

A protest to the granting of a permit under said application was filed on January 26, 1953 by the McNett Brothers (Ivan and Ira McNett) on the grounds that Indian Springs are tributary to and a part of the Indian or McNett Creek stream system, and that all of these waters are appropriated by the Protestants under Proof of Appropriation No. O.1310, Certificate No. 958, and Permit No. 3129.

On May 14, 1953 a field investigation was made by D. K. Jewett, office engineer and E. J. DeRicco, field deputy state engineer. Present at the investigation were: Earl S. Fowler, President, Fowler Mining Corporation; John Molini, appearing for the Fowler Mining Corporation; Ira McNett, Protestant; and Ivan McNett, Protestant.

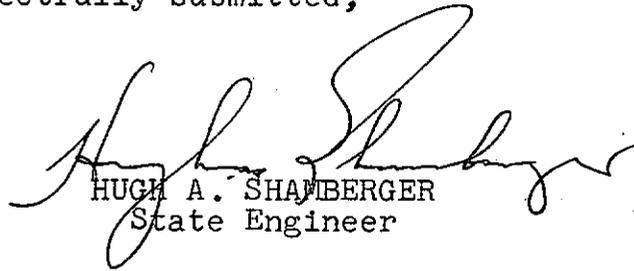
From the report of the field investigation it appears that water is being diverted from the south fork of Indian Creek and used in a Pan-American Jig which concentrates the ore; that the tailings from the operation have a high lime content which is diverted into a tailings pond and from the tailings pond into a settling pond, and that the entire works are located adjacent to the stream and there is little or no consumptive use of the water. The protestants are concerned with the possible pollution of the water; however, adequate measures have been taken to prevent pollution.

RULING

In accordance with the recommendations of the representatives of this office, the protest to the granting of a permit under Application No. 14465 is herewith overruled and a permit will be issued under said application on receipt of the statutory permit fee, subject to the following provision:

"This permit is issued with the understanding that the permittee shall at all times take adequate measures to prevent the degree of pollution in the stream system from exceeding the minimum requirements necessary to use the water for irrigation, stockwater and domestic purposes".

Respectfully submitted,


HUGH A. SHANBERGER
State Engineer

Dated this 8th day
of July, 1953