

IN THE MATTER OF APPLICATION 27620)
AND APPLICATION 27622 FILED TO)
APPROPRIATE WATER FROM UNNAMED)
SPRINGS IN EUREKA COUNTY, NEVADA.)

R U L I N G

GENERAL:

Applications 27620 and 27622 were filed July 16, 1973, by Idaho Mining Corporation to appropriate 1.0 c.f.s. each from two individual Unnamed Springs located respectively within SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 11, T.18N., R.53E., and the NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 11, T.18N., R.53E. The water was to be used for mining, milling, and domestic purposes within the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of said Section 11.

A protest to the granting of Application 27620 was filed by James Ithurralde December 11, 1973, on the grounds that: "I own the water rights to Affranchino Springs (filed on as unnamed by Idaho Mining Corp.). This water is needed and used for watering livestock. My Certificate No. on this spring is No. 1910. This spring is vital to my operation".

A protest to the granting of Application 27622 was filed by James Ithurralde December 11, 1973, on the grounds that: "I own the water rights on what they claim unnamed springs or Gibellini 3 & 2. This water is needed and used for watering livestock. My Certificate No. on this spring is No. 1438. This spring is vital to my operation."

A field investigation into the matter of protested Applications 27620 and 27622 was conducted on June 18, 1974.

The Unnamed Spring under Application 27620 is also known as Affranchino Spring or Alfonso Alfrankino Spring. Certificate No. 1910 was issued under Permit 9555 on Affranchino Spring in the amount of 0.00672 c.f.s. for the irrigation of 0.672 acres and for domestic use. Certificate No. 1910 is presently of record in the name of James and Mary Jean Ithurralde (2/3 interest) and Mrs. Jeanne Pierresteguy (1/3 interest).

The Unnamed Spring under Application 27622 is also known as Seaburry Canyon Spring. Proof 01068 was filed January 18, 1912, and claims an aggregate flow of a minimum of 20,000 g.p.d. (0.03 c.f.s.) and a maximum of 40,000 g.p.d. (0.06 c.f.s.) from Seaburry Canyon Spring and a second spring known as Lucky Spring. The proof claims use as a domestic and milling supply for the town of Ruby Hill, and the system is commonly referred to as the Ruby Hill Water Works. Proof 01068 is presently of record in the

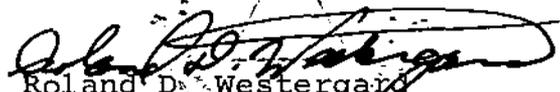
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name of Jeanne Pierresteguy. The use of water in the town of Ruby Hill through this system was discontinued in approximately 1910. However, the use of water has been perpetuated by extension of the pipeline into Diamond Valley and Spring Valley to the east where it is used for stock-watering purposes.

RULING:

Applications 27620 and 27622 are herewith denied on the grounds that the proposed appropriation would interfere with existing water rights.

Respectfully submitted,


Roland D. Westergard
State Engineer

RDW:BAR:lo

Dated this 16th day of

December, 1974.