

IN THE MATTER OF APPLICATION)
28952 TO APPROPRIATE WATER)
FROM AN UNDERGROUND SOURCE)
IN ESMERALDA COUNTY, NEVADA)

R U L I N G

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GENERAL:

Application 28952 was filed November 20, 1974, in the name of Tule Canyon Silver Mining Corporation to appropriate 25 c.f.s. from an underground source located within the NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 22, T.7S., R.40E., M.D.B.&M. to be used for mining, milling and domestic purposes within NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 28, T.7S., R.40E., M.D.B.&M.

A protest to the granting of Application 28952 was filed May 23, 1975, in the name of Henry F. Howison of Lida Livestock. The protest was filed by Clifford Glasgow, foreman, and seeks denial on the grounds that the granting of Application 28952 would endanger the flow in the Roosevelt Well on which there exists Certificate No. 4683 of record in the name of the protestant.

A field investigation into the matter of protested Application 28952 was conducted on September 25, 1975. The investigation revealed that it is proposed under this application to divert water from a vertical shaft to be dug in the floor of Tule Canyon, approximately 5,700 feet above (up stream) an existing stock watering well, known as Roosevelt Well. Research indicates that there is in fact presently of record on Roosevelt Well Certificate 4683 issued under Permit 14610 in the amount of 0.0063 c.f.s. for the watering of 200 cattle. This certificate is presently of record in the name of Henry F. and Virginia L. Howison, owners of Lida Livestock which is the protestant under Application 28952.

Subsequent to the investigation, Tule Canyon Silver Mining Corp. has submitted revised estimates of the water to be consumed under Application 28952 and has requested that the diversion as applied for be amended to 1.0 c.f.s., not to exceed 444,510 gallons per day.

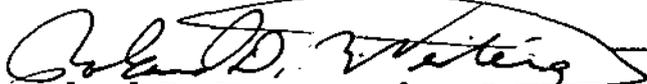
RULING:

The protest to the granting of Application 28952 is hereby overruled and upon receipt of the required permit

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fees a permit will be issued in the amount of 1.0 c.f.s.,
not to exceed 162.2 million gallons per annum and subject to
existing rights.

Respectfully submitted,



Roland D. Westergard
State Engineer

RDW/BAR/lk

Dated this 25th day
of November, 1975.