

IN THE MATTER OF APPLICATION)
28241 TO APPROPRIATE WATER)
FROM AN UNDERGROUND SOURCE)
IN HUMBOLDT COUNTY, NEVADA.)

R U L I N G

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GENERAL:

Application 28241 was filed on April 4, 1974 in the name of B. M. Clem and Terry Walters to appropriate 0.13 c.f.s. from an underground source located within the SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 26, T.36N., R.37E., M.D.B. & M. Water is to be used for milling and domestic purposes (Ore Flotation Plant) within the W $\frac{1}{2}$ NW $\frac{1}{4}$ of said Section 26.

A protest to the granting of Application 28241 was filed on July 23, 1974 by Donald Jones acting for himself and on behalf of fourteen other property owners. The protest seeks denial on the grounds that a milling facility would be in direct conflict with local ordinances and that it would create safety hazards to the protesters and their children and would be a pollution hazard.

A Field Investigation into the matter of protested Application 28241 was conducted on August 19, 1974. Subsequent to the investigation, it has been determined that the place of use under Application 28241 is vacant national resource land and under the jurisdiction of the Bureau of Land Management. In addition, no mining claims or application for mill site patent are of record on this parcel.

RULING:

Application 28241 is hereby denied on the grounds that the applicant does not own or control the place of use and that the granting of said application would be detrimental to the public interest.

Respectfully submitted,


Roland D. Westergard
State Engineer

RDW/BAR/bs

Dated this 12th day
of December, 1975.