

IN THE MATTER OF APPLICATION)  
29539 TO APPROPRIATE WATER )  
FROM HOPPE SPRINGS IN )  
WHITE PINE COUNTY, NEVADA. )

R U L I N G

GENERAL:

Application 29539 was filed on July 14, 1975, in the name of Umont Mining Inc. to appropriate 1.0 c.f.s. of water from Hoppe Springs to be diverted within the NW $\frac{1}{4}$  NW $\frac{1}{4}$  Section 22, T.16N., R.57E., M.D.B.& M., and to be used for mining, milling and domestic purposes within Sections 21 and 28, T.16N., R.57E., M.D.B.& M.

A protest to the granting of Application 29539 was filed on November 26, 1975, by G. Wesley Carlson, Acting Regional Forester, in the name of the United States of America, Forest Service. This protest seeks denial of the application on the grounds that: "The United States has a right to the water in Hoppe Spring to use in meeting the purposes for which National Forests were established, including use by livestock and wildlife as well as public use by hunters, recreationists and others. This claim is based on a 1909 reservation date and on the water needs inventory that has been given to the State Engineer's office. Hoppe Springs was developed and piped into a sheep trough in 1930. This facility is still functional. The Umont Mining Company is currently using the water for their drilling operations under this mining operations plan. If this application is approved, the water may not be available for wildlife, livestock, recreationists and other public uses."

A second protest was filed on December 10, 1975 in the name of Phillips Petroleum Company which seeks denial on the grounds that "The granting of said application would conflict and interfere with existing and proposed mining operations on and around the spring area." Application 29539 became ready for action by the State Engineer's office on December 11, 1975.

A field investigation into the matter of protested Application 29539 was conducted on Monday, July 19, 1976. As a result of that investigation and research of records on file in the State Engineer's office, it has been

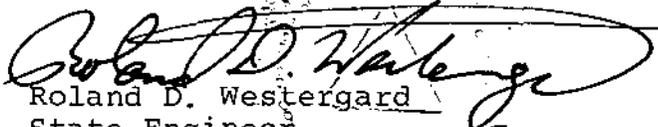
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determined that there are no existing rights on the waters of Hoppe Springs. The United States Forest Service claims a right to this water under the Reservation Doctrine but the validity, limit and extent of such a claim has not been established. The spring is located within the boundaries of the Humboldt National Forest and water is being used by Umont Mining, Inc. under an agreement with the Forest Service. Application 29539 was filed to insure compliance with Nevada State Water Law.

**RULING:**

The protests to the granting of Application 29539 are herewith overruled and upon receipt of the statutory permit fees, a permit will be issued subject to existing rights in the amount applied for as necessary to fulfill the requirements for the mining, milling and domestic purposes.

Respectfully submitted,

  
Roland D. Westergard  
State Engineer

RDW/BAR/bs

Dated this 9th

day of November, 1976.