

IN THE MATTER OF APPLICATION 19537 )  
FILED ON FEBRUARY 6, 1961, BY )  
GORDON MACMILLAN TO APPROPRIATE )  
THE WATER OF AN UNDERGROUND SOURCE )  
(MINE WELL) FOR IRRIGATION PURPOSES )  
IN EUREKA COUNTY, NEVADA )

R U L I N G

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GENERAL:

Application 19537 was filed February 6, 1961, to appropriate 10.0 c.f.s. of the waters of an underground source (mine well) at a point within Lot 3, Section 7, T. 31 N., R. 51 E., M.D.B.&M. to irrigate 600 acres of land within portions of Section 21, N $\frac{1}{2}$ , SW $\frac{1}{4}$ , N $\frac{1}{2}$  SE $\frac{1}{4}$ , SW $\frac{1}{4}$  SE $\frac{1}{4}$  Section 28; N $\frac{1}{2}$  NW $\frac{1}{4}$ , SW $\frac{1}{4}$  NW $\frac{1}{4}$  Section 33; NE $\frac{1}{4}$ , E $\frac{1}{2}$  W $\frac{1}{2}$ , and N $\frac{1}{2}$  SE $\frac{1}{4}$  Section 32, T. 32 N., R. 49 E., M.D.B.&M. Period of use of water is from January 1st to December 31st of each year.

The water under this application is from mining operations of the Barth Mine, draining in the Barth mine pit. The water is to be pumped from the mine pit situate approximately 100 feet southeasterly from the left bank of the Humboldt River and conveyed by an 8-inch pipe to and mingled with the waters of the Humboldt River. The water is then to be conveyed approximately eleven plus miles to the intake of the Highland Canal at a point within the NW $\frac{1}{4}$  NW $\frac{1}{4}$  Section 11, T. 31 N., R. 49 E., M.D.B.&M. The water is then to be conveyed by this canal to the Humboldt Land and Cattle Company ranch known as the Horseshoe Ranch, (Page 95 etc., Humboldt River Bartlett Decree). This ranch is on our records in the name of Horseshoe Ranch, Inc., a portion of which is purportedly owned by Mr. MacMillan.

No protest against the granting of this application was filed.

Field investigation report dated August 8, 1962, in the matter of this application was made by George W. Hennen, Assistant State Engineer.

FINDINGS

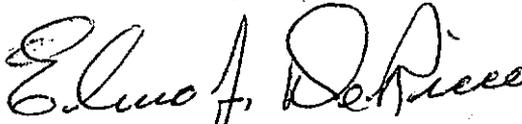
From the field investigation and records in the Nevada State Engineer's Office the following is disclosed.

1. The source of the water is in the Humboldt River drainage basin.
2. From all indications the water is seeping into the pit or sump from the Humboldt River. It is not a Mine Well, as indicated by the application. This water appears to lie within Humboldt River water plain; therefore, the pumping of water from such sump or pit will have a material effect on the flow of the river, the waters of which are fully appropriated.

RULING

Application No. 19537 is herewith denied on the grounds that its granting would impair the value of existing rights and would be detrimental to the public welfare.

Respectfully submitted,



ELMO J. DERICCO  
State Engineer

Dated this 10th day of  
January, 1963.