

IN THE MATTER OF APPLICATION 21485)  
BY MID-CONTINENT URANIUM CORP. AND)  
THE PROTEST THERETO BY BAKER AND )  
DAVIS )

R U L I N G

143  
Application 21485 was filed on August 26, 1963 to develop 4.0 c.f.s. of water for mining and milling purposes. The source is the Ebbley Tunnel and the point of diversion and place of use are in the SW $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 32, T. 2 S., R. 38 E., M.D.B.& M.

A protest to application 21485 was filed on April 1, 1964 by the partnership of Baker and Davis. The protest claimed that the applicant's mine tunnel had dried up a spring in the SW $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 32, T. 2 S., R. 38 E., M.D.B.& M. This spring had provided water for the protestants' mining exploration and development, therefore the protestants asked that application 21485 be granted subject to a prior right of Baker and Davis to 2.0 c.f.s. of water from the source.

A field investigation was held on August 28, 1964, and the following information was obtained:

- 1) The Ebbley Tunnel cut off the flow of water to Cottonwood Spring which lies about 200 feet in a southerly direction from the tunnel portal. Water developed in the Ebbley Tunnel flows out through the tunnel portal and into the Cottonwood Creek Channel.
- 2) Baker and Davis do not claim any of the rights of record in Cottonwood Canyon nor do they claim a vested right initiated prior to 1905. Baker and Davis claim use of Cottonwood Spring water since 1961 by themselves and their predecessors in interest.
- 3) The granting of application 21485 will not impair any of the existing rights to the waters of Cottonwood Canyon nor will it be detrimental to the public welfare.

RULING

Application 21485 is herewith granted and the protest overruled. This permit is granted to develop a maximum of 4.0 c.f.s. of water, however the final water right obtained under this permit is

dependent upon the actual amount of water put to beneficial use. This permit is granted subject to all existing rights and the State retains the right to regulate the use of the water herein granted.

Respectfully submitted,

ELMO J. DeRICCO  
State Engineer

BY:



George W. Hennen  
Assistant State Engineer

Dated this 16th day of  
October, 1964.

JLC:ns