

IN THE MATTER OF APPLICATIONS 22226)
AND 22227 FILED ON SEPTEMBER 8, 1964,)
BY SILVER STATE CONSOLIDATED MINES CO.) R U L I N G
TO APPROPRIATE THE WATERS FROM AN)
UNDERGROUND SOURCE LOCATED IN PERSHING)
COUNTY, NEVADA)

General:

Application 22226 was filed on September 8, 1964, to appropriate 5.0 c.f.s. of water from an underground source for mining and milling purposes. The point of diversion is described as being within the NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 35, T. 29 N., R. 34 E., M.D.B. & M., and the place of use within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 15, T. 28 N., R. 34 E., M.D.B. & M. This application was protested on February 12, 1965, by the Humboldt Quicksilver Corporation and February 15, 1965, by the Wabash Mine.

Application 22227 was filed on September 8, 1964, to appropriate 5.0 c.f.s. of water from an underground source for mining and milling purposes. The point of diversion is described as being within the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 35, T. 29 N., R. 34 E., M.D.B. & M., and the place of use within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 15, T. 28 N., R. 34 E., M.D.B. & M. This application was protested on February 12, 1965, by Humboldt Quicksilver Corporation, on February 15, 1965, by Wabash Mine and on February 16, 1965, by J. W. Reeves, Jr.

The protests were based on the removal of water from one drainage basin into another, which in effect, would deprive present water users within the Spring Valley area of water and render a hardship on the operation of the mines and also be detrimental to some stockwatering operations.

A field investigation on the above matter was held on March 29, 1965.

Opinion:

The field examination and analysis of topographic maps show that both Spring Valley and Sage Hen Flat, where the proposed place of use lies, are tributary to Buena Vista Valley, therefore the proposed change would not remove water from one basin to another. The protestants do not have any existing water rights of record in the State Engineer's office, therefore, the proposed appropriation would not effect existing rights. The possibility of some vested stockwatering rights does exist, however, the initiation of the use of the water in Spring Valley by mining operations can only be traced back to 1941, from information taken from the protests and obtained in the field. This would not support a claim of vested right for mining and milling purposes.

Applications 22226 and 22227 were filed to appropriate 5.0 c.f.s. of water each. It is felt that this amount is excessive for the mining and milling operations of Silver State. A total appropriation from all sources of 1.118 c.f.s. should be ample to support the operation.

RULING

The protests to the granting of Applications 22226 and 22227 are herewith overruled on the grounds that the granting of these applications will not impair the value of existing rights or otherwise be detrimental to the public welfare. Permits will be issued for 1.118 c.f.s. upon receipt of the statutory permit fees with the understanding that the total diversion will not exceed 1.118 c.f.s. from Permits 22226, 22227, 22229, 22230 and 22231.

Nothing in this ruling shall be taken to grant any rights of ingress and egress to the applicant, Silver State Consolidated Mines Co.

Respectfully submitted,

GEORGE W. HENNEN
State Engineer

By: 

Roland D. Westergard
Assistant State Engineer

Dated this 7th day of
May, 1965

PGM:lh