

IN THE MATTER OF APPLICATION NO. 14590 )  
FILED BY WM. COONEY & SONS TO APPROPRIATE :  
THE WATERS OF PORTER SPRINGS FOR MINING AND : RULING  
MILLING PURPOSES IN PERSHING COUNTY, NEVADA.)

Description of Application:

Application No. 14590 was filed on October 20, 1952 by William Cooney & Sons to appropriate 0.50 c.f.s. of the waters of Porter Springs for mining and milling purposes. The point of diversion and place of use are to be within the SE $\frac{1}{4}$  NW $\frac{1}{4}$  Section 5, T. 29 N., R. 28 E., M.D.B.&M. and the period of use is from January 1st to December 31st of each year. This application was assigned on March 12, 1955 by William Cooney & Sons to Ellis K. and Norberta C. Farnum. Protests to the granting of this application were filed as follows:

December 24, 1952 by Ellis K. Farnum on grounds that the application was filed by the applicant while he was a part owner of the Sugar Hill Mining claim on which the spring is located; that subsequent to the filing of this application the applicant conveyed all his right, title and interest in said claim to protestant and protestant's wife; that the protestant has made beneficial use of this water and that there is not enough water for any other use than that which protestant is now making of it.

On February 17, 1953 by E. L. Cord on grounds that protestant has range lands and rights in and around the area which the applied water is intended to be used; that livestock of the protestant and his predecessors have used and are now using the waters of Porter Springs for stockwatering purposes; that the granting of a right for irrigation to the applicant will interfere with the range operations and stockwatering needs of the protestant, and that the waters of Porter Springs are entirely appropriated. This protest was received too late for filing as a formal protest. The last date for filing protests under this application was on January 24, 1953.

General:

A field investigation in the matter of this application was made on August 3, 1953. From said investigation it was found that Porter Spring is located at the foot of the westerly slope of the Seven Cross Mountain range, approximately five miles westerly of Vernon. The source has been developed by means of excavation and packing with rocks and gravel. The flow of the spring was approximately 18 gallons per minute at the time of the investigation. A reservoir approximately 50 feet wide and 80 feet long has been constructed near the spring by the Bureau of Land Management for stockwatering purposes.



The mining property consists of two claims approximately a mile apart and two to three miles from Porter Springs which is apparently the only water in the vicinity. There has been considerable development on both claims and reportingly they show very good values in tungsten ores. At the time of the investigation the applicants stated that they were willing to respect stockwatering use on this source.

Opinion:

The applicants under Application No. 14590 have assigned their interest in the filing to protestant, Ellis K. and Norberta C. Farnum; therefore there is no longer any conflict between the mining interests on this source.

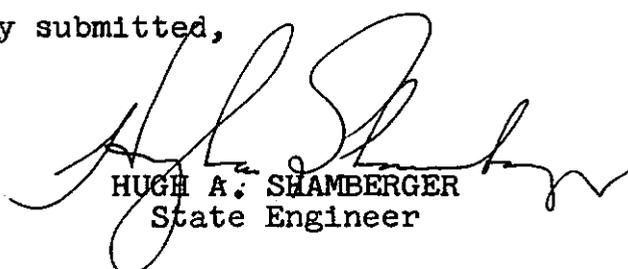
With regard to the stockwatering use on Porter Spring, it is the opinion of this office that there is no conflict between the stockwatering and mining use providing that the applicant does not interfere with the stockwatering facilities and returns the water to the source, free of pollution.

RULING

The protest to the granting of this application is herewith overruled on grounds that it will not impair the value of existing rights or be otherwise detrimental to the public welfare. A permit will be issued under said application on receipt of the statutory permit fee subject to the following provisions:

1. The permittee will not interfere with present stockwatering facilities in the vicinity of the source, or if it becomes necessary for him to damage the present facilities in any way he must provide adequate stockwatering facilities at his own expense.
2. Water diverted from the source and used in the mining and milling operation must be free of pollution before it is discharged in areas where livestock water.
3. The permittee must provide water from the source for the servicing of stockwatering facilities whenever livestock are grazing in the area.

Respectfully submitted,

  
HUGH A. SHAMBERGER  
State Engineer

Dated this 27th day  
of April, 1955.