

IN THE MATTER OF APPLICATION)  
29569 TO APPROPRIATE WATER )  
FROM HOPPE SPRING IN WHITE )  
PINE COUNTY, NEVADA. )

R U L I N G

GENERAL:

Application 29569 was filed on August 8, 1975, in the name of Phillips Petroleum Co. to appropriate 0.011 c.f.s. of water from Hoppe Spring, to be diverted within the NE $\frac{1}{4}$  NE $\frac{1}{4}$  Section 21, T.16N., R.57E., M.D.B.& M., and to be used for mining, exploration and domestic purposes within all of Section 16, W $\frac{1}{2}$  Section 15, NE $\frac{1}{4}$  NE $\frac{1}{4}$  Section 21, all of Section 22, all in T.16N., R.57E., M.D.B.& M. No protests were filed under Application 29569, and the application became ready for action by the State Engineer's office December 11, 1975.

This was the second application filed on Hoppe Springs, the first being Application 29539 filed at an earlier date, July 14, 1975, in the name of Umont Mining, Inc. Application 29539 sought to appropriate 1.0 c.f.s. for mining, milling and domestic purposes.

Protests to the granting of Application 29539 had been filed by the United States of America Forest Service and by Phillips Petroleum Co., the applicant under Application 29569. A field investigation into the matter of the protests filed under Application 29539 was conducted by members of the State Engineer's office on Monday, July 19, 1976. This field investigation was attended by representatives of both Phillips Petroleum Co. and the U. S. Forest Service. Subsequent to that field investigation, the protests under Application 29539 were overruled on November 9, 1976 by State Engineer's Ruling No. 2177, and a permit issued on January 7, 1977 in the amount of 1.0 c.f.s. for the purposes described by the application.

There are no other rights of record on Hoppe Springs. At the time of the above described field investigation, there was no flow from the springs and evidence in the field and personal observation by persons present during the field investigation both indicate that there is insufficient water produced by the spring to satisfy any use over and above that allowed to Umont Mining Inc. under Permit 29539. It is therefore the opinion of the State Engineer that there is no unappropriated water available from Hoppe Springs and that the granting of a

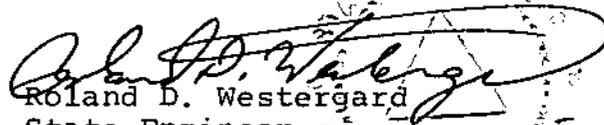
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permit under Application 29569 would tend to interfere with existing water rights as allowed under Permit 29539.

RULING:

Application 29569 is herewith denied on the grounds that there is no water available for appropriation from Hoppe Spring and that the granting of a permit under Application 29569 would tend to interfere with and adversely affect existing rights on the source.

Respectfully submitted,

  
Roland D. Westergard  
State Engineer

RDW/BAR/bs

Dated this 11th day  
of February, 1977.