

IN THE MATTER OF APPLICATION 22463
FILED MARCH 1, 1965 BY C. A. BEAGLE
TO APPROPRIATE WATER FROM HORSESHUTEM §
SPRING FOR MINING, MILLING AND DOMESTIC }
PURPOSES IN NYE COUNTY, NEVADA. }

R U L I N G

General:

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Application 22463 was filed for permission to appropriate 0.25 c.f.s. of the waters of Horseshutem Spring at a point within the NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 34, T. 17 S., R. 53 E., M.D.B.&M., or at a point from which the SW corner of Section 31, T. 17 S., R. 53 E., M.D.B.&M. bears S. 76° 21' W., 21,793.0 feet. Water is to be used for mining, milling and domestic purposes the year round within the SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 12, T. 18 S., R. 52 E., M.D.B.&M.

EXISTING RIGHTS: Certificate 526, Page 260, was issued for 20.00 c.f.s. to Johnnie Consolidated Gold Mining Company under Application 283 for the water of Mill Site-Shootem and Other Springs for mining, milling and domestic purposes. Location of point of diversion and place of use not given. However, the application describes the point of diversion as being within the NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 34, T. 17 S., R. 53 E., M.D.B.&M. and the place of use of the water in Johnnie Townsite, Nevada, priority November 17, 1906.

Certificate 805 was issued for 0.75 c.f.s. to A. N. Coe under Application 4936 for domestic purposes in the Town of Johnnie, Nevada. The point of diversion of water is described as being at a point in the North part of the NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 34, T. 17 S., R. 53 E., (no bearing given), for irrigation and domestic purposes, in the Town of Johnnie, Nevada within the SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 1, T. 18 S., R. 52 E., M.D.B.&M. The period of use is the year round and the priority of appropriation as of March 6, 1947.

Pending Application 18485 was filed December 17, 1959 by Crown Point Globe Mining Company, Inc. to appropriate 1.0 c.f.s. of the waters of Horseshutem Spring at a point within the NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 34, T. 17 S., R. 53 E., M.D.B.&M. or at a point from which the NE corner of said Section 34 bears N. 61° 45' 00" E., 650.00 feet for mining, and domestic purposes the year round, within the NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 30, T. 17 S., R. 53 E., M.D.B.&M. Ruling on this application is made simultaneously with ruling of Application 18485.

A field investigation in the matter of this application and Application 18485 was made on November 10, 1965 by representatives of this office.

Opinion:

Although the field investigation and office records show that the waters under Certificate 526, Page 260, Application 282 and Certificate 305, Application 4936 have not been used for many years there is no unappropriated water.

Ruling:

Application 22463 is denied on the grounds that there is no unappropriated water in this source and that the granting of this application would tend to impair the value of existing rights, and that its granting would be detrimental to public welfare.

Respectfully submitted,

GEORGE W. HENNEN
State Engineer

BY:


Roland D. Westergard
Assistant State Engineer

Dated this 23rd day of
November, 1965.

RDW:FND:wij