

IN THE MATTER OF APPLICATION NO. 9338  
IN NAME OF MONROE F. MILLER, et ux, AND  
CHARLES C. SMITH, et ux, TO APPROPRIATE  
THE WATERS OF HIDDEN TREASURE SPRING FOR  
IRRIGATION AND DOMESTIC PURPOSES;

and : RULING

APPLICATION NO. 17069 FILED BY THE ATLANTA  
GOLD & URANIUM COMPANY TO APPROPRIATE THE  
WATERS OF HIDDEN TREASURE SPRING FOR MINING,  
MILLING AND DOMESTIC PURPOSES.

Description of Applications:

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Application No. 9338 was filed on September 19, 1930 by Charles F. Lee to appropriate the waters of Hidden Treasure Spring for irrigation and domestic purposes within Lot 4, Section 1, T. 5 N., R. 67 E., M.D.B.&M. A protest to the granting of this application was filed on January 2, 1931 by John W. Cole and Philip J. Dolan. On June 6, 1952 the application was assigned to Monroe F. Miller, et ux, and Charles C. Smith, et ux.

Application No. 17069 was filed on October 15, 1956 by the Atlanta Gold and Uranium Company to appropriate the waters of Hidden Treasure Spring for mining, milling and domestic purposes within Lot 4, Section 1, T. 5 N., R. 67 E., M.D.B.&M. A protest to the granting of this application was filed on December 28, 1956 by Charles C. Smith and Monroe F. Miller.

Findings:

The waters of Hidden Treasure Spring are unappropriated. The total natural flow of the source is 0.07 c.f.s. At the present time, protestants John W. Cole and Philip J. Dolan do not have valid water rights of record on this source.

RULING

The protest to the granting of Application No. 9338 is herewith overruled. A permit will be issued under said application with the understanding that the amount of appropriation will be limited to the natural flow of the source.

The protest to the granting of Application No. 17069 is herewith overruled. A permit will be issued under said application with the understanding that the applicants will be responsible for the delivery of 0.07 c.f.s. of water under prior Permit 9338, and that their right is limited to water developed in excess of this amount.

Respectfully submitted,

HUGH A. SHAMBERGER  
State Engineer

By *Edmund Muth*  
EDMUND MUTH  
Assistant State Engineer

Dated this 10th day  
of April, 1957