

IN THE MATTER OF APPLICATION)
24123 TO APPROPRIATE THE WATERS)
OF MILLSITE SPRING BY SILVER KING)
MINES, INC. LOCATED IN WHITE)
PINE COUNTY, NEVADA)

R U L I N G

GENERAL:

179
Application 24123 was filed on September 15, 1967 by Silver King Mines, Inc. to appropriate 3.0 c.f.s. of water for mining and milling purposes from Millsite Springs and tributaries located in White Pine County, Nevada. The point of diversion is described as being located in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 15, T. 14 N., R. 63 E., M.D.B.&M. and the place of use within the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 14, T. 14 N., R. 63 E., M.D.B.&M.

This application was protested on February 21, 1968 and February 22, 1968 by Copper Sheep Company on the following grounds:

1. "Protestant and its predecessors have for many years past, and with right, used the waters applied for for stockwatering, and allowance of the application would seriously impair and jeopardize protestant's stock raising operation.
2. Protestant is informed and believes and therefore alleges, subject to verification, that said waters are owned by it under color of title and vested title by virtue of conveyance from Frank and Constance Bishop and their predecessors."

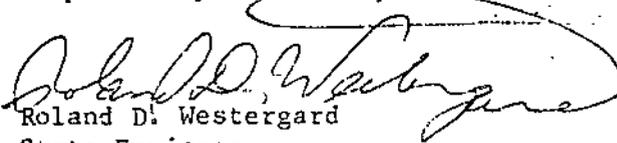
A field investigation in the above matter was made on June 11, 1968.

Copper Sheep Co. indicated that they were concerned only with water being available for their stock from the springs and they claimed vested stockwatering, as well as, appropriative rights on several springs throughout the Ward Mountain area. Representatives of Phillips Petroleum assured Copper Sheep Co. that they had no intentions of interfering with any stockwatering rights and would make arrangements for stockwatering facilities at the spring sites. This seemed to satisfy the representative of Copper Sheep Co.

RULING

The protests to Application 24123 are herewith overruled and a permit under Application 24123 will be granted upon receipt of the statutory permit fees subject to prior and existing rights.

Respectfully submitted,


Roland D. Westergard
State Engineer

RDW:PGM:jls

Dated this 7th day

of May, 1969.