

IN THE MATTER OF APPLICATION)
28138 FILED BY TED G. AX TO)
APPROPRIATE UNDERGROUND WATERS)
AT RAWHIDE FLATS, CHURCHILL)
COUNTY, NEVADA.)

R U L I N G

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Application 28138 was filed on February 25, 1974 by Ted G. Ax to appropriate 6 cfs of underground water for power and domestic purposes. The point of diversion is in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 33, T.16N., R.29E., M.D.B.&M. and the place of use is within Secs. 33 and 34, T.16N., R.29E., M.D.B.&M. A drilled geothermal well is proposed to be used to develop 25 horsepower by use of a turbine and generator system.

On April 16, 1974, the United States Department of the Interior, Bureau of Land Management filed a protest to the granting of Application 28138 for the following reasons and on the following grounds:

At the present the lands in question are natural resource lands. The lands are encumbered by mining claims which are undergoing validity determination. In the event that the claims are declared invalid Mr. Ax would be considered to be in occupancy trespass. Use of waters from these lands for power purposes appears to be in violation of the Geothermal Steam Act of 1970.

The only water right in the area is for mining and domestic purposes and is held by Ted G. Ax. Mr. Ax previously held permits for the water applied for under Application 28138. These permits were cancelled for failure to comply with the permit terms.

RULING

The protest to the granting of Application 28138 is hereby overruled and a permit will be granted upon receipt of the statutory fees. The granting of a permit does not grant any rights of ingress or egress.

Respectfully submitted,


Roland D. Westergard
State Engineer

RDW:JLC:cm

Dated this 10th day

of July, 1974.