

IN THE MATTER OF APPLICATION 28131 )  
FILED BY M.R. MATILAND FOR PERMIS- )  
SION TO APPROPRIATE WATERS FROM AN )  
UNDERGROUND SOURCE IN CLARK COUNTY, )  
NEVADA. )

R U L I N G

10/11/83

GENERAL:

Application 28131 was filed by M. R. Matiland on February 21, 1974, for permission to appropriate 10 c.f.s. of water from an underground source located within the NW $\frac{1}{4}$  SW $\frac{1}{4}$  Section 29, T.28S., R.26E., M.D.B.&M., to be used for mining, milling, and domestic purposes.

On June 5, 1974, a letter was sent to Mr. Richard J. Baughman indicating that the application was ready for action but that additional information was necessary concerning the consumptive use of water. On July 5, 1974, Mr. Baughman replied to the effect that 10 second-feet was necessary. On September 5, 1974, an additional request to Mr. Baughman for a more complete breakdown of actual water use was necessary. On September 11, 1974, Mr. Charles L. Keller, attorney at law, was contacted concerning the same problem of additional information concerning the use of water. On October 29, 1974, Mr. Baughman submitted to this office a detailed explanation pertaining to the mining operation, ore processing, and on-site living quarters for the proposed mining operation. He indicated that the total use would be 34,700 gallons per day and that the quantity of water necessary to obtain this gallonage would be 0.3 c.f.s.

Application 25886 was filed by M. R. Matiland on December 10, 1970. This proposed to divert 10 c.f.s. of water for mining, milling, and domestic purposes from the same point of diversion as Application 28131.

Application 25886 was protested on March 9, 1971, by Karl F. Weikel. A field investigation concerning this protest was conducted by Mr. Francis Thorne and Mr. Mike Prince attached to the Las Vegas Branch Office of the Division of Water Resources. Their investigation revealed that the proposed point of diversion under Application 25886 was approximately 200 feet west of the existing point of diversion of Permit 19672, Certificate 5291. The investigation further revealed that both points of diversion are for mine shafts that have standing water within, that Mr. Weikel had made a lateral cut into the mine shaft and installed a pipeline which carries water by gravity flow to a stock tank. The investigation further revealed that in the past pumping of these mine shafts had the tendency to deplete the source of water. Permit 19672 was issued Certificate 5291, with

Ruling  
RE: Application 28131  
Page 2.

a diversion of 0.00446 c.f.s. or sufficient to water 200 head of cattle. This certificate has a date of priority of March 15, 1961.

RULING:

A permit will be issued on Application 28131 upon the receipt of the statutory permit fees of \$100 with the provisions as set forth below:

1. That the total diversion under this permit shall not exceed 0.30 c.f.s., the total duty of water shall not exceed 34,700 gallons per day or 12.665 million gallons per annum.
2. That at all times a diversion of 0.00446 must be maintained to accommodate the appropriation under Permit 19672, Certificate 5291. If at any time sufficient water cannot be maintained to water 200 head of cattle, then the owner of record of Permit 28131 must cease operation of the pump until this condition is satisfied. In any event, the operation under Permit 28131 must not adversely affect the prior right that exists under Permit 19672, Certificate 5291.

Respectfully submitted,

  
Roland D. Westergard  
State Engineer

RDW:DLW:lo

Dated this 13th day of  
November, 1974.