

IN THE MATTER OF APPLICATIONS 30046)
AND 30047 FILED TO APPROPRIATE THE)
WATERS OF UNNAMED SPRINGS IN PARA-)
DISE VALLEY, HUMBOLDT COUNTY, NEVADA)

R U L I N G

GENERAL:

Application 30046 was filed on March 2, 1976 by Ledge Mining to appropriate 1.0 cfs of water from an unnamed spring within the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 7, T.40N., R.39E., M.D.B.&M. The water is to be used for mining, milling and domestic purposes within portions of the S $\frac{1}{2}$ SW $\frac{1}{4}$ Section 6, the NW $\frac{1}{4}$ and W $\frac{1}{2}$ SW $\frac{1}{4}$ Section 7, T.40N., R.39E., M.D.B.&M. The E $\frac{1}{2}$ E $\frac{1}{2}$ of Section 12, T.40N., R.38E., M.D.B.&M. The period of use is January 1st through December 31st of each year.

Application 30047 was filed on March 2, 1976 by Ledge Mining to appropriate 1.0 cfs of water from an unnamed spring in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 7, T.40N., R.39E., M.D.B.&M. The water is to be used for mining, milling and domestic purposes within the same place of use as Application 30046.

Protests to the granting of Application 30046 were filed by Ferraro Cattle Company, the U. S. Bureau of Land Management, Duane Boggio, David J. Cassinelli and Thomas C. Cassinelli.

A protest to the granting of Application 30047 was filed by Alvin and Anesita Miller. The grounds of the protests are that the granting of permits would interfere with prior existing rights.

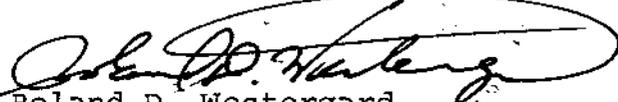
A field investigation in the matter of the above numbered applications was held on August 24, 1976. At the investigation it was determined that the springs have been developed for stockwatering purposes. Some of the water from the spring under Application 30046 is being piped downstream to two separate stockwatering troughs. The water from the spring under Application 30047 is also being piped downstream to another stockwatering trough. The applicants intend to use the water during all portions of the year when weather would permit their mining and milling operation. Their operation consists of a small tungsten mine and mill which the applicants say would use approximately 10 gallons per minute. The Bureau of Land Management indicates that the range use period for the area is from April through November for 1,298 head of cattle. The actual period of range use may vary depending on range conditions.

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RULING:

The protests to the granting of Application 30046 and 30047 are upheld and the Applications are herewith denied on the basis that the amount of water applied for, for annual use, would adversely affect vested rights during use of the range by livestock.

Respectfully submitted,



Roland D. Westergard
State Engineer

RDW/BLR/lk

Dated this 30th day
of September, 1976.