

IN THE MATTER OF APPLICATIONS 18537,)
 18538, 18539, 18540, 18541, 18542)
 AND 18578 TO APPROPRIATE THE WATERS)
 OF POINT OF ROCKS SPRINGS, BIG SPRING,)
 RODGERS SPRING, CRYSTAL POOL (SPRING),)
 FAIRBANKS SPRING, LONGSTREET SPRING)
 AND JACK RABBIT SPRING, RESPECTIVELY,)
 FOR MINING AND MILLING PURPOSES IN NYE)
 COUNTY, NEVADA.)

R U L I N G

Applications 18537, 18538, 18539, 18540, 18541 and 18542 were filed on January 26, 1960, and Application 18578 was filed February 11, 1960, by Clyde C. Cree, Bob Richardson and Judge E. Gates, Sr.

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Application 18537 was filed for 5.0 c.f.s. of the waters of Point of Rock Springs located within the NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 7, T. 18 S., R. 51 E., M.D.B.&M.

This application was protested on July 13, 1960, by Warren O. Wagner on grounds that its granting would not leave sufficient water for his use under Certificate 3323.

Application 18538 was filed for 5.0 c.f.s. of the waters of Big Spring located within the SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 19, T. 18 S., R. 51 E., M.D.B.&M.

This application was protested on June 30, 1960, by A. M. Weller on grounds that its granting would impair vested rights held by her.

Application 18539 was filed for 4.5 c.f.s. of the waters of Rodgers Spring located within the NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 15, T. 17 S., R. 50 E., M.D.B.&M.

This application was protested on July 8, 1960, by George Swink, as agent for Ash Meadows, Inc., and by George Swink, as an individual, on grounds that the spring is located on land owned by protestants; that protestants would suffer material damage from trespassing; that protestants have legal right to the use of the water; that protestants believe it would be impossible to process water and not contaminate it; and that the protestants do not believe there are any minerals or metals in commercial quantities and value in the water.

Application 18540 was filed for 9.0 c.f.s. of the waters of Crystal Pool (Spring) located within the SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 3, T. 18 S., R. 50 E., M.D.B.&M.

This application was protested on July 8, 1960, by George Swink, as agent for Ash Meadows, Inc., and by George Swink, as an individual, and on July 15, 1960, by Ruth M. Fox. The grounds for the protests are the same as listed under Application 18539.

Application 18541 was filed for 6.0 c.f.s. of the waters of Fairbanks Spring located within the NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 9, T. 17 S., R. 50 E., M.D.B.&M.

This application was protested on July 8, 1960, by George Swink, as agent for Ash Meadows, Inc., and by George Swink, as an individual. The grounds for the protests are the same as listed under Application 18539.

Application 18542 was filed for 5.0 c.f.s. of the waters of Longstreet Spring located within NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 22, T. 17 S., R. 50 E., M.D.B.&M.

This application was protested on July 8, 1960, by George Swink, as agent for Ash Meadows, Inc., and by George Swink, as an individual. The grounds for the protests are the same as listed under Application 18529. This application was also protested on July 18, 1960, by Merrill H. Peterson on grounds that he has legal right to the use of a part of the water; believes it would be impossible to process water and not contaminate it; does not believe there are any minerals or metals in commercial quantities and value in the water, and by Norine B. Harris on grounds that she had filed for 4.0 c.f.s. of the waters of Longstreet Spring under Application 17947.

Application 18578 was filed for 5.0 c.f.s. of the waters of Jack Rabbit Spring located within the SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 18, T. 18 S., R. 51 E., M.D.B.&M.

This application was protested on July 13, 1960, by Warren O. Wagner on grounds that its granting would not leave sufficient water for his use under Certificate 4443.

An investigation in the matter of these applications was made on June 20, 1961, and on June 23, 1961.

At each of the springs, the applicants propose to divert the water by pipeline and convey it to a mill located near the spring and extract minerals and metals from it, then return it to the stream channel 50 feet to 100 feet below the point of diversion. The details of the process of extraction is not known although it is indicated to be one of electrolysis and chemical baths.

The water from all of the subject springs is presently being used for irrigation and domestic purposes under Permits and Certificates issued by this office.

Opinion

This office has no knowledge of any process by which minerals and metals have ever been commercially extracted from flowing water and the applicants have not presented any evidence that such a process does exist.

The applicants have not submitted evidence that the subject waters contain minerals and metals of commercial quantities and values, nor have they submitted evidence that the process to be employed would return the water uncontaminated and suitable for irrigation, stock watering and human consumption.

It is the opinion of this office that the granting of these applications would tend to impair the value of existing rights and would be detrimental to the orderly development of the area.

RULING

The protests to the granting of Applications 18537, 18538, 18539, 18540, 18541, 18542 and 18578 are herewith sustained and the applications are herewith denied on the grounds that their granting would tend to impair the value of existing rights and would be detrimental to the public welfare.

Respectfully submitted,



Elmo J. DeRicco
State Engineer

Dated this 10th day of
January, 1963.