

IN THE MATTER OF APPLICATIONS NOS. 13203 )  
 AND 13204 IN NAME OF GREAT AMERICAN MINING )  
 CORPORATION TO APPROPRIATE UNDERGROUND WATER : RULING  
 FOR MINING, MILLING AND DOMESTIC PURPOSES, )  
 EUREKA COUNTY, NEVADA. )

Application Nos. 13203 and 13204 were filed December 21, 1949 by Great American Mining Corporation to appropriate 3.0 c.f.s. respectively, of underground water for mining, milling and domestic purposes. The proposed points of diversion (location of wells) are as follows:

Application No. 13203 within the SE $\frac{1}{4}$  NE $\frac{1}{4}$  Section 10, T. 22 N., R. 54 E., and Application No. 13204 within the SE $\frac{1}{4}$  SE $\frac{1}{4}$  Section 34, T. 22 N., R. 54 E.

Notices of such applications were duly published in the Eureka Sentinel, a weekly newspaper published in Eureka County. Within the period prescribed by law for filing protests the following protests to the granting of permits under said applications were filed:

November 24, 1950 by Arambel and Etcheverry

November 29, 1950 by F. Maggini (App. 13203 only)

December 14, 1950 by Labarry and Son

On June 21, 1951 a field investigation was conducted by E. J. DeRicco, field engineer for the office of State Engineer. In addition to Mr. DeRicco, the following parties were present:

Floyd A. Taylor	-	Representing Applicants P.M. Neilson, O. Mehr and the Great American Mng. Corporation
Orville R. Wilson	-	Attorney at Law, representing Protestants Bertrand Arambel and/or Pete Etcheverry
W. H. Gray	-	Attorney at Law, representing Protestants Labarry and Son
Bertrand Arambel	-	Protestant under Application Nos. 13203 and 13204, representing himself and Pete Etcheverry

Raymond Labarry, Sr. - Protestant under Applications  
Nos. 13203 and 13204

Raymond Labarry, Jr. - Protestant under Applications  
Nos. 13203 and 13204

Mr. L. F. Maggini, Protestant under Application 13203 was not present during the investigation but was contacted after the investigation and allowed to comment on his protest.

#### THE PROTESTS:

The protest of L. F. Maggini is to the effect that by the granting of said applications, the native salt grass will be torn up and render the same valueless for stock grazing.

The protest of Bertrand Arambel and/or Pete Etcheverry is based mainly on the grounds that said applications may have been filed for the purpose of range control and that in the event said applications are granted, the applicant would claim territories not heretofore owned exclusively by said applicant.

The protest of Labarry and Son is mainly to the effect that the granting of said applications would impair and tend to impair the value of existing water rights now owned by protestant and would conflict with existing rights of protestant, and threaten to prove detrimental to the public interests and be in violation of the 1931 Stockwatering Act.

In the report of the field investigation it is recommended that permits be granted under Applications Nos. 13203 and 13204 in amounts sufficient for purposes applied for. The basis for such recommendation is on the grounds that no existing rights will be jeopardized and that there is unappropriated ground water in the area.

#### FINDINGS:

As a result of the field investigation on June 21, 1951, and from other investigations in the area relative to ground water conditions, together with the records of this office, we find that:

- (1) There is unappropriated water in the area and that the pumping of water in the amounts hereafter set forth will not effect existing water rights of protestants.
- (2) The mining and milling of ores is one of the basic industries of Nevada and should be encouraged. The use of water for such purposes is not in conflict with the use of water for stockwatering purposes, or with range operations.

- (3) The purpose for which the water applied for under Applications Nos. 13203 and 13204 is for mining, milling and domestic. On any permits granted thereunder, the permittee would have no legal right to use the water for any other purposes than named in said applications. No range control could be exercised or claimed by virtue of permits granted hereunder.
- (4) We find that there will be no conflict with existing rights of protestants.
- (5) We find that as a condition to the granting of permits under Applications Nos. 13203 and 13204, that said applicant must handle the mill tailings and tailing water in a manner that will not cause injury to the range livestock ranging in the area.
- (6) We further find that for the operation contemplated by applicant, the amount of water needed would not exceed 100,000 gallons per day.

RULING

The protests to the granting of permits under Applications Nos. 13203 and 13204 are herewith overruled and permits can be issued thereunder in the following amounts, and under the following conditions:

1. Permits to be issued in the amounts of 0.5 c.f.s. and with the understanding that the total amount of water diverted under both permits is not to exceed 100,000 gallons per day.
2. As a condition to such permits the permittee must handle the tailings and tailing water from his milling operation in such a manner that there will be no injury to livestock ranging in the area.
3. It is understood that the granting of permits under the above numbered applications is for the appropriation of water only and conveys no right of way privileges.

Respectfully submitted,

  
HUGH A. SHAMBERGER  
State Engineer

Dated August 17, 1951.