

IN THE MATTER OF APPLICATION NOS. 12449 )  
AND 12450 IN NAME OF A. C. FLORIO TO :  
APPROPRIATE UNDERGROUND WATER (FAD SHAFT) : RULING  
EUREKA COUNTY, NEVADA. )

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Applications Nos. 12449 and 12450 were filed May 18, 1948 by A. C. Florio to appropriate water from the Fad Shaft for stockwatering and domestic, and for irrigation and domestic purposes, respectively. The points of diversion under each application were given as being at the Fad Shaft located within the SE $\frac{1}{4}$  NE $\frac{1}{4}$  Section 22, T. 19 N., R. 53 E., M.D.B.&M. Application No. 12449 was to appropriate sufficient water to water 15,000 sheep, 100 horses and 2,000 cattle at points within the SW $\frac{1}{4}$  SW $\frac{1}{4}$  Section 27 and NW $\frac{1}{4}$  NW $\frac{1}{4}$  Section 34, T. 20 N., R. 53 E. Application No. 12450 was to appropriate 6.0 c.f.s. of the waters from Fad Shaft for the irrigation of 360 acres within the NW $\frac{1}{4}$  NW $\frac{1}{4}$  and the E $\frac{1}{2}$  Section 28, T. 20 N., R. 53 E.

Application No. 12449 for stockwatering purposes was protested February 3, 1949 by James Hunter.

The water applied for under the above numbered applications is, as far as availability is concerned, non-existent at the present time. At the time the applications were filed an extensive mine exploration development was under way by the Eureka Corporation on Ruby Hill near Eureka. In order to facilitate the development program, a large quantity of water was being pumped from the Fad Shaft. This water, flowing through natural channels, found its way into Diamond Valley in the general location as the proposed places of use under said applications.

On about March, 1948, the heavy pressure of water behind the bulkheads of the 6th level in the Fad Shaft forced the collapse



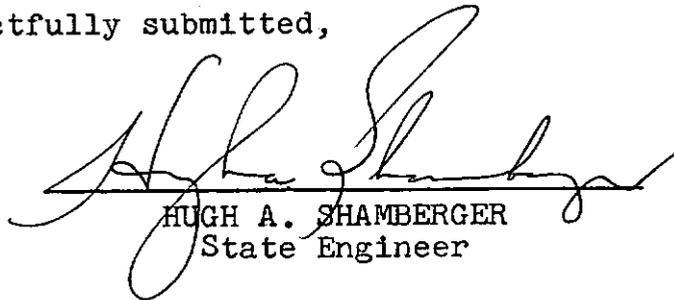
of the bulkheads with the resulting flooding of the shaft. Pumping operations ceased on December 16, 1948 when all efforts proved futile to drain the mine. Since that time the operations have been at a standstill, and while efforts are being made by the Mining Company to refinance in order to proceed with the work, at the present time we have no definite information that the development program will go forward.

In view of the fact that for at least two years there has been no water available to appropriate at the proposed point of diversion, I feel it incumbent upon this office to deny said applications.

RULING

Applications Nos. 12449 and 12450 are herewith denied on the ground that the source of water applied for under said applications is not available for appropriation as contemplated by the applicant.

Respectfully submitted,

  
HUGH A. SHAMBERGER  
State Engineer

June 6, 1952.