

IN THE MATTER OF APPLICATION 25886 FILED)
BY M. R. MATILAND FOR PERMISSION TO)
APPROPRIATE WATER FROM AN UNDERGROUND)
SOURCE IN CLARK COUNTY, NEVADA)

R U L I N G

GENERAL:

6/13 Application 25886 was filed by M. R. Matiland on December 10, 1970, for permission to appropriate 10.0 c.f.s. of water from an underground source (abandoned mine shaft) for mining, milling and domestic purposes.

The proposed point of diversion is located within the NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 29, T.28S., R.61E., M.D.B.&M. The proposed place of use is portions of S $\frac{1}{2}$ NW $\frac{1}{4}$ and N $\frac{1}{2}$ SW $\frac{1}{4}$ of said Section 29.

A protest was filed under this application by Karl F. Weikel on March 9, 1971, on the grounds that "this application is for a quantity of water which would, in all probability, rapidly exhaust the aquifers and dry up all other water sources."

Permit 19672 of record in the name of Karl F. Weikel was issued November 6, 1961, for 0.00446 c.f.s. of water from an underground (mine tunnel) source for stock watering purposes. The point of diversion is located within the NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 29, T.28S., R.61E., M.D.B.&M. The place of use is located within the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 29. Certificate 5291 was issued under this permit on March 22, 1962.

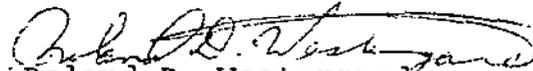
A field investigation was made in this matter on April 15, 1971. The investigation disclosed that the proposed point of diversion under application 25886 is approximately 200 feet west of the point of diversion under Certificate 5291, Permit 19672. Several mine shafts in the immediate area are full of water but have been pumped dry on numerous occasions.

At the field investigation the applicant indicated that the total quantity applied for would be required and that granting of lessor amount would not be sufficient to result in a beneficial use of the water.

RULING

The protest filed under Application 25886 is herewith upheld and Application 25886 is herewith denied on the grounds that the issuance of a permit for the quantity of water applied for would adversely affect existing water rights in this area.

Respectfully submitted


Roland D. Westergard
State Engineer

RDW:PGM:jn

Dated this 15th Day of
June, 1971