

IN THE MATTER OF APPLICATIONS 25378 )  
AND 25379 FILED BY PHILLIPS PETROLEUM )  
CO. AND SILVER KING MINES, INC. FOR )  
PERMISSION TO APPROPRIATE WATER FROM )  
MILLSITE AND TRIBUTARY SPRINGS, RUTH )  
AND TRIBUTARY SPRINGS, RESPECTIVELY )  
IN WHITE PINE COUNTY, NEVADA )

R U L I N G

GENERAL:

Applications 25378 and 25379 were filed by Phillips Petroleum Co. and Silver King Mines, Inc. on December 8, 1969 for permission to appropriate 3.0 c.f.s. of water from Millsite and Tributary Springs and Ruth and Tributary Springs, respectively, for mining and milling purposes.

Application 25378 was filed to change the point of diversion and place of use of Permit 24123 and Application 25379 was filed to change the point of diversion of 24125. The proposed point of diversion under Application 25378 is described as within the SW $\frac{1}{4}$ SW $\frac{1}{4}$  Section 14, T. 14 N., R. 63 E. The existing point of diversion under Permit 24123 is described as within the SW $\frac{1}{4}$ SW $\frac{1}{4}$  Section 15, T. 14 N., R. 63 E., M.D.B.&M. The proposed place of use is described as W $\frac{1}{2}$  Section 14, E $\frac{1}{2}$  Section 15, T. 14 N., R. 63 E., M.D.B.&M. The existing place of use is described as within the SW $\frac{1}{4}$ SW $\frac{1}{4}$  Section 14 said Township and Range. This application was filed to correct an error in the original survey under Permit 24123. The proposed point of diversion under Application 25379 is described as within the NE $\frac{1}{4}$ SE $\frac{1}{4}$  Section 15, T. 14 N., R. 63 E., M.D.B.&M. The existing point of diversion under Permit 24125 is described as within the SE $\frac{1}{4}$ NE $\frac{1}{4}$  Section 16 said Township and Range. The proposed place of use is described as the W $\frac{1}{2}$  Section 14, E $\frac{1}{2}$  Section 15, T. 14 N., R. 63 E., M.D.B.&M. The existing place of use is described as within the SW $\frac{1}{4}$ SW $\frac{1}{4}$  Section 14 of said Township and Range. This application was filed to correct an error in the original survey under Permit 24125.

These applications were protested by John Mitchel Lasgoity of the Copper Sheep Co. on March 18, 1970 on the grounds that the protestant and its predecessors in interest have appropriated and used the water from these sources for their ranching operations. Similar protests were filed under Applications 24123 and 24125 by Copper Sheep Co., and field investigation was held on June 13, 1969 and rulings executed on May 7, 1969 overruling the protests and granting the permits.

RULING

The protests to the granting of Applications 25378 and 25379 are herewith overruled and permits will be issued under these applications subject to prior and existing rights.

Respectfully submitted,

  
Roland D. Westergard  
State Engineer

RDW:RRD:jls

Dated this 26th day

of March, 1970.