

IN THE MATTER OF APPLICATIONS)
 25459, 25460, AND 25461, FILED)
 BY SILVER KING MINES, INC., TO) R U L I N G
 APPROPRIATE THE WATERS OF COKE OVEN)
 SPRING, TOWNSITE SPRING, AND COTTON-)
 WOOD SPRING, RESPECTIVELY, IN NYE)
 COUNTY, NEVADA.)

157 Application 25459 was filed by Silver King Mines, Inc. on February 6, 1970, to appropriate 1.0 c.f.s. of water from Coke Oven Spring for mining, milling, and domestic purposes. The proposed point of diversion is within the NW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 23, T.6N.,R.49 $\frac{1}{2}$ E., M.D.B.&M. The proposed place of use is described as within the NE $\frac{1}{4}$ NW $\frac{1}{4}$, and the N $\frac{1}{2}$ NE $\frac{1}{4}$ of Sec. 24, T.6N.,R.49 $\frac{1}{2}$ E., M.D.B.&M.

Application 25460 was filed by Silver King Mines, Inc. on February 6, 1970, to appropriate 1.0 c.f.s. of water from Townsite Spring for mining, milling, and domestic purposes. The proposed point of diversion is within the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 14, T.6N.,R.49 $\frac{1}{2}$ E., M.D.B.&M. The proposed place of use is identical to that described under Application 25459.

Silver King Mines, Inc. filed Application 25461 on February 6, 1970, to appropriate 1.0 c.f.s. of water from Cottonwood Spring for mining, milling, and domestic purposes. The proposed point of diversion is within the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 2, T.6N.,R.49 $\frac{1}{2}$ E., M.D.B.&M., and the proposed place of use is identical to that stated in Applications 25459 and 25460.

Protests were filed on May 21, 1970, against Application 25459 by V. J. Barndt; and against Applications 25459, 25460, and 25461, by Silver Mining, Smelting, and Refining Corp. of Nevada. In essence, each protestant claims ownership of vested rights in and to the sources described.

The proposed sources are the subject of Proof of Appropriation No. 01517 which was filed in this office on August 24, 1917, and which claims an appropriation of 2.0 c.f.s. for mining, milling, smelting, and domestic purposes. The owner of record of Proof 01517 is Tybo Consolidated Mining Co.

There are no other rights of record for the appropriation of water from the sources described.

A field investigation in the matter of Applications 25459, 25460, and 25461 was held on June 17, 1970.

V. J. Barndt's protest against Application 25459 was withdrawn by the protestant at the field investigation on June 17, 1970.

Evidence was produced at the field investigation which indicated that all right, title, and interest of the protestants, Silver Mining, Smelting, and Refining Corp. of Nevada in the Tybo area had been purchased by Silver King Mines, Inc., the applicants under Applications 25459, 25460, and 25461. The protestant has no water rights of record from the proposed sources.

RULING

The protests to Applications 25459, 25460, and 25461 are overruled on the grounds that no other rights will be damaged or impaired. Permits will be issued, subject to existing rights, upon payment of the statutory permit fees.

Respectfully submitted,


Roland D. Westergard
State Engineer

RDW:JCP:jw

Dated this 15th day of
August, 1970.