

IN THE MATTER OF APPLICATION 27516)
FILED BY REX FRANDBSEN TO APPROPRIATE)
WATER FROM AN UNDERGROUND SOURCE)
IN WHITE PINE COUNTY, NEVADA)

R U L I N G

1974

1324

GENERAL

Application 27516 was filed on June 4, 1973, by Rex Frandsen to appropriate 3.0 c.f.s. from an underground source within the SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 21, T.14N., R.67E., M.D.B.& M., to be used for mining, milling and domestic purposes within SE $\frac{1}{4}$ Section 21, S $\frac{1}{2}$ Section 22, S $\frac{1}{2}$ Section 23, SW $\frac{1}{4}$ Section 24, N $\frac{1}{2}$ N $\frac{1}{2}$ N $\frac{1}{2}$ Section 26, all in T.14N., R.67E., M.D.B.& M.

A protest to the granting of Application 27516 was filed on September 28, 1973, by Jess Lincoln Driskill as agent for Comstock Six Placer, Inc. on the following grounds: "That the issuance of this permit for 3 second feet would seriously interfere with Permit #24576 issued to Comstock Six Placer, Inc., which was filed July 15, 1968. That in comparing maps prepared on both applications, the approximate distance between the existing well under Permit #24576 (Comstock) and the new application #27516 (Frandsen) is only 15 to 35 feet. The approval of this application would destroy any possibility of further development of any and all properties owned or controlled by Comstock Six Placer, Inc."

FINDINGS

Permit 24576 was issued on January 6, 1969, to Comstock Six Placer, Inc. for 2.0 c.f.s. from an underground source for mining, milling and domestic purposes. The well had been drilled for Comstock Six in May, 1968, prior to the issuance of Permit 24576. As the result of a field investigation conducted by the State Engineer's office on November 6, 1973, it has been found that the well under Permit 24576 is the same well as that on which Application 27516 has been filed.

RULING

Application 27516 is herewith denied on the grounds that the granting of this application would interfere with a prior and existing water right.

Respectfully submitted,


Roland D. Westergard
State Engineer

Dated this 2th day
of March, 1974.

RDW:BAR:bs