

IN THE MATTER OF APPLICATION 27517)  
FILED BY REX FRANSEN TO APPRO- )  
PRIATE WATER FROM AN UNDERGROUND )  
SOURCE IN WHITE PINE COUNTY, )  
NEVADA. )

RULING

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GENERAL

Application 27517 was filed on June 4, 1973, by Rex Frandsen to appropriate 5.0 c.f.s. of water from an underground source located within the SW $\frac{1}{4}$ SW $\frac{1}{4}$  Sec. 22, T.14N.,R.67E., M.D.B.&M., to be used for mining, milling and domestic purposes within the SE $\frac{1}{4}$  Sec. 21, S $\frac{1}{2}$  Sec. 23, SW $\frac{1}{4}$  Sec. 24, and N $\frac{1}{2}$ N $\frac{1}{2}$ N $\frac{1}{2}$  Sec. 26, all in T.14N.,R.67E., M.D.B.&M.

Application 27517 was protested on September 26, 1973, by Raymond A. Lutz on the grounds that: "Said application has been filed with the Office of the State Engineer setting forth proposed works and operations of mining, milling, domestic purposes, channels, reservoirs and basins without consent of Claimants of mining operations to the lands. Protestant claims that the granting of this Water Application with uses set forth are serious infringements upon Claimant and Claimants proposed mining and milling operations on these lands."

Application 27517 was also protested on September 28, 1973, by Jess Lincoln Driskill, agent for Comstock Six Placer, Inc., on the grounds that: "The issuance of this permit for 5 second feet would seriously interfere (sic) with Permit #24576 issued to Comstock Six Placer, Inc. which was filed July 15, 1968. The approval of this application #27517, would seriously hamper the future development of properties owned and/or controlled by Comstock Six Placer, Inc."

FINDINGS

The proposed diversion under Application No. 27517 is from an existing well which was drilled in 1966 under Permit No. 23556, issued on June 26, 1967, in the name of

Ace Turner and Rex Frandsen. Permit No. 23556 was subsequently cancelled on May 14, 1973, for failure to submit a completed Proof of Beneficial Use.

The records of the White Pine County Assessor indicate that all lands within the place of use under Permit 27517, including the location of the point of diversion, are unpatented and do not appear on the White Pine County Tax Rolls.

A field investigation conducted by the Office of the State Engineer confirmed that the well under Application No. 27517 and the well under Permit No. 24576 are separated by a distance of approximately 1350 feet. This separation should be adequate to prevent interference between the two wells.

RULING

The protest to the granting of Application 27517, filed by Jess Lincoln Driskill as agent for Comstock Six Placer, Inc., is hereby overruled on the grounds the granting of this application will not adversely effect existing water rights.

The protest filed by Raymond A. Lutz is hereby overruled on the grounds that the well under the proposed point of diversion was drilled by the Applicant, that the protestant has failed to submit evidence of an interest or ownership in the proposed place of use, and that the granting of a permit under Application No. 27517 will not adversely affect existing water rights.

Upon receipt of the statutory filing fee, a permit will be granted under Application 27517.

Respectfully submitted,

  
Roland D. Westergard  
State Engineer

RDW:BAR:jw

Dated this 4th day of  
March, 1974.