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LAW LIBRARY
ARIZONA ATTORNEY GENERAL

March 4, 1940

Mr. Tom C. Foster,
State Mine Inspector,
Phoenix, Arizona.

Dear Mr. Foster:

We have your letter of February 27th, in which you state that you have a letter from a party interested in a small gold mining property in Hassayampa Valley, and that the party wishes to know what the statute provides with reference to the disposal of tailings or allowing of drainage from a mill to enter a river.

The only section of the statute that we know of dealing with this subject is Section 4694, Revised Code of Arizona, 1928. This statute makes it a misdemeanor for any person to foul or pollute the waters of any stream from which water is drawn for the supply of inhabitants of a city or town, and Section 37 of Chapter 84, Laws of 1929 makes it unlawful for any person to allow to run into any waters, either private or public, any sawdust, lime, or any other substance that will injure or destroy fish or drive them from any such waters.

In addition to the statutes that we have referred you to, a person could not run water from tailings into a stream and thereby injuring others who have a prior right to the use of the waters of the stream either for domestic purposes, irrigation or stockraising.

Very truly yours,

JOE CONWAY
Attorney General

EARL ANDERSON
Special Assistant
Attorney General.