

IN THE MATTER OF APPLICATION 25060)
FILED ON MAY 9, 1969 BY ROBERT M. TUBB)
TO APPROPRIATE THE WATER OF DEEP, OR)
BIG SPRING, IN NYE COUNTY, NEVADA)

R U L I N G

GENERAL:

Application 25060 was filed on May 9, 1969 by Robert M. Tubb to appropriate 2.0 c.f.s. of the waters of Deep, or Big Spring for the irrigation of 282.33 acres of land. The point of diversion is within the SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 19, T. 18 S., R. 51 E., M.D.B.&M. The place of use is within portions of the SW $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, and SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 24, and NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 25, T. 18 S., R. 50 E.; Lot 1 Section 30; and Lots 3 and 4 Section 19, T. 18 S., R. 51 E.

A protest against Application 25060 was filed by Roy L. Wilbur on July 11, 1969, on the grounds that granting a permit under the application would grant all unappropriated water in the source to the applicant and thereby destroy the land value of all other users of the source.

Deep Spring, also known as Big Spring, has the following rights of record:

Permit 4200 - Certificate 2251 Priority: October 21, 1916
Owner of Record: Robert M. Tubb, Jr. and George Tubb
Amount: 2.3129 c.f.s. or 906.75 acre-feet per season
Period of Use: April 1st - October 15th of each year.

Permit 24577 - To change the place of use of a portion of Permit 4200,
Certificate 2251
Owner of Record: Robert M. Tubb
Amount changed: 0.794 c.f.s. or 311.28 acre-feet.

Permit 8025, Certificate 2729
Date of Priority: March 8, 1927
Owner of Record: Ash Meadows Lodge, Inc.
Amount of Appropriation: 0.63 c.f.s. - 230 acre-feet for the irrigation
of 63 acres
Period of Use: April 1st - October 31st of each year

Permit 11384 - Certificate 4484
Date of Priority: October 11, 1945
Owner of Record: Roy L. Wilbur 4/5; Garland R. Love 1/5
Amount of Appropriation: 1.50 c.f.s. or 134.3 acre-feet per annum for
the irrigation of 29.85 acres.

Permit 24449 - To change the place of use of a portion of Permit 11384,
Certificate 4484
Date of Priority: October 11, 1945 (Same as Permit 11384)
Owner of Record: Roy L. Wilbur
Amount of Appropriation: 1.2 c.f.s or 107.44 acre-feet annually.

Field investigations were made on August 20, 1968 and on February 5, 1969 by Division of Water Resources personnel.

According to Report No. 14, Ground-Water Resources-Reconnaissance Series, flow from the spring has varied from 1122 gpm. (reported in 1916) to 1036 g.p.m. in August, 1962. The average of reported flows and measurements published in Report 14 is 1045 g.p.m. or 2.328 c.f.s. A measurement of the flow of the spring made by Division of Water Resources Personnel on August 20, 1968 showed a discharge of 2.653 c.f.s.

There is, therefore, unappropriated water in the source from November 1st of each year to April 1st of the following year.

Ruling

The protest to Application 25060 is overruled and a permit will be issued, subject to existing rights upon payment of the statutorily required permit fees, and further subject to the understanding that the approval of the application does not constitute a waiver of the provisions of NRS 503.581 to NRS 503.589 and NRS 527.260 to NRS 527.300 which provide for the protection of native flora and fauna.

Respectfully submitted,


Roland D. Westergard
State Engineer

RDW:JCP:jls

Dated this 2nd day
of June, 1970.