

IN THE MATTER OF APPLICATIONS)
27853 AND 27854 FILED BY)
A. CORNELL AND GRACE CORNELL)
TO APPROPRIATE WATER FROM AN)
UNDERGROUND SOURCE IN ASH)
MEADOWS, AMARGOSA DESERT,)
NYE COUNTY, NEVADA)

R U L I N G

230

GENERAL:

Applications 27853 and 27854 were filed on October 23, 1973, by A. Cornell and Grace Cornell to appropriate water from an underground source in the Ash Meadows area of the Amargosa Desert, Nye County for irrigation and domestic purposes. Applications 27853 and 27854 were protested by Robert M. Tubb, Garland Robert Love, Cappaert Enterprises, Richard Gordon Miller and the Nature Conservancy.

Application 27853 filed for 2.5 c.f.s. of water to irrigate 120 acres within the NW $\frac{1}{4}$ NE $\frac{1}{4}$ and the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 25 and the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 24, T.18S., R.50E., MDM. The point of diversion is to be located within the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 25, T.18S., R.50E., MDM.

Application 27854 was filed for 1.75 c.f.s. of water to irrigate 80 acres within the SW $\frac{1}{4}$ NE $\frac{1}{4}$ and the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 25, T.18S., R.50E., MDM. The point of diversion is to be located within the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 25, T.18S., R.50E., MDM.

The basis of the protest filed on January 22, 1974 by Robert M. Tubb is of the possible effect on existing rights held by the protestant from Big Spring.

The grounds of the protest filed on January 24, 1975 by Garland Robert Love is of the possible effect on existing rights held by the protestant from Big Spring.

The basis of the protest filed on January 25, 1974 by Cappaert Enterprises is that the protestant is strictly regulated by a Federal Court and additional appropriations will further decrease the quantity of water available from the ground water basin.

The grounds of the protest filed on January 28, 1974 by Richard Gordon Miller is that the ground water resources have been inadequately studied and that additional appropriations from this source would have an adverse effect on

Applications 27853 and 27854
Ruling
Page 2

the water level in Big Spring and Devils Hole.

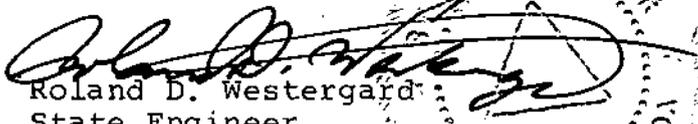
The basis of the protest filed on January 28, 1974 by The Nature Conservancy is that the protestant is the owner of the land surrounding Big Spring and that additional pumping of the ground water will diminish the flow of Big Spring and expose or limit the breeding shelf of a species of pupfish inhabiting the Big Spring pool.

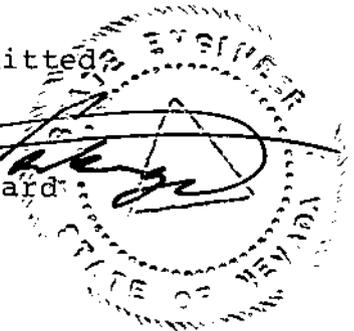
The applicants or their representative were not present at the field investigation held on June 3, 1975 to establish the proposed physical development of the property under the subject applications.

RULING:

Application 27853 and 27854 are herewith denied on the grounds that the granting without additional information would be detrimental to the public welfare.

Respectfully submitted,


Roland D. Westergard
State Engineer



RDW/WJN/bs

Dated this 1st day
of July, 1975.