

IN THE MATTER OF APPLICATION 28880)
FILED BY CAPPAERT ENTERPRISES)
TO CHANGE THE POINT OF DIVERSION)
AND PLACE OF USE OF PERMIT 25556,)
IN ASH MEADOWS, AMARGOSA DESERT,)
NYE COUNTY, NEVADA.)

R U L I N G

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GENERAL:

Application 28880 was filed on November 5, 1974 by Cappaert Enterprises to change 6.0 c.f.s. of the point of diversion and place of use under Permit 25556 for irrigation and domestic purposes. The proposed point of diversion is described as within the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 7, T.18S., R.51E., MDM. The proposed place of use is described as not to exceed 960 acres within portions of Sections 11 and 12, T.18S., R.50E., and within portions of Sections 7, 8, 17 and 18, T.18S., R.51E., MDM. The period of use to be from January 1 to December 31 of each year.

Application 28880 was protested on February 21, 1975 by Robert M. Tubb and on February 24, 1975 by Garland Robert Love. The basis of both protests is that additional pumping of underground waters at this location may have an adverse effect on prior existing rights held by both Mr. Tubb and Mr. Love from Big Spring.

Information on the hydrology of the Ash Meadows area does not indicate pumping from the well under Application 28880 will have an adverse effect on Big Spring. Monitoring of the pumping and water levels is continuing in the Ash Meadows area.

RULING:

The protests to Application 28880 are hereby overruled and a permit will be granted to the application to change the point of diversion and place of use.

Respectfully submitted,


Roland D. Westergard
State Engineer

RDW/WJN/bs

Dated this 2nd day
of July, 1975.