

IN THE MATTER OF APPLICATION 17649)
FILED SEPTEMBER 4, 1958 BY WARREN)
O. WAGNER TO APPROPRIATE THE WATERS)
OF INDIAN ROCK SPRINGS FOR IRRIGATION)
PURPOSES IN NYE COUNTY, NEVADA)

R U L I N G

This application was filed for 1.0 c.f.s. of the waters of Indian Rock Springs located within the NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 7, T. 18 S., R. 51 E., M.D.B.&M. The water is to be used for the irrigation of 40 acres of land within the NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 18, T. 18 S., R. 51 E., M.D.B.&M.

A protest to the granting of this application was filed on November 7, 1958, by Fred Gimm on the grounds that the amount of water requested would leave an insufficient supply of water for the property owned by protestant.

A field investigation in the matter of this application was made on June 23, 1961.

There are three separate and distinct sources of water in close proximity to each other in the area of this application. These sources and their respective flows are Point of Rocks Springs, 1.772 c.f.s.; Indian Rock Spring, 0.262 c.f.s.; and Indian Seeps, 0.667 c.f.s.

Indian Rock Springs are located approximately 600 feet easterly from Point of Rocks Springs and approximately 500 feet westerly of Indian Seeps.

The waters of Point of Rocks Springs are not involved in this ruling but are mentioned because of their proximity to Indian Rock Springs and Indian Seeps.

Existing Rights

Permit 2540 was issued to J. A. Rogers on November 26, 1913, for 1.5 c.f.s. of the waters of Indian Springs. The point of diversion under this permit is below the, then, natural confluence of Indian Rock Springs and Indian Seeps and, therefore, this permit covers both sources. No certificate has been issued under this permit.

Certificate 4826 was issued under Application 12764 to Warren O. and Rose Marie Wagner for 0.95 c.f.s., or 360 acre-feet per year of the waters of Indian Rock Springs.

Certificate 3324 was issued under Application 11087, now owned by Warren O. and Rose Marie Wagner, for 0.2625 c.f.s., or 180 acre-feet per year of the waters of an Unnamed Spring (now known as Indian Rock Springs).

OPINION

It is the opinion of this office that by virtue of Certificates 3324 and 4826, and by Permit 2540, the waters of Indian Rock Springs are fully appropriated.

RULING

The protest to the granting of Application 17649 is herewith overruled, but Application 17649 is herewith denied on the grounds that the waters of Indian Rock Springs are fully appropriated.

Respectfully submitted,



Elmo J. DeRicco
State Engineer

Dated this 15th day of
March, 1963.