

IN THE MATTER OF APPLICATION 25261, FILED)
AUGUST 29, 1969 BY SPRING MEADOWS, INC.)
TO CHANGE THE PLACE OF USE OF WATER HERETO-) R U L I N G
FORE APPROPRIATED FROM ROGERS SPRINGS IN)
NYE COUNTY UNDER PERMIT 14196)

230 Application 25261 was filed on August 29, 1969 by Spring Meadows, Inc. for Permission to change the Place of Use of 0.772 c.f.s. water heretofore appropriated from Rogers Spring under Permit 14196. The point of diversion is within the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 18, T. 18 S., R. 51 E., M.D.B.&M.

The Place of Use under the proposed change is within the following sub-divisions: SE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 18, SW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$ and SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 17, all in T. 18 S., R. 51 E., M.D.B.&M. The subdivisions described encompass 560 acres.

The existing Place of Use under Permit 14196 is described as follows: N $\frac{1}{2}$ S $\frac{1}{2}$ Section 7, T. 18 S., R. 51 E., M.D.B.&M., SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 11; N $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, and SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 12; NW $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$, and E $\frac{1}{2}$ SE $\frac{1}{4}$ Sec. 13, all in T. 18 S., R. 50 E., M.D.B.&M.

The Nevada Department of Fish and Game filed a protest against granting Application 25261 on October 8, 1961. The protest states that the source contains a specie of Nevada Pupfish, and that the source is the only one of several containing pupfish lying on public land, allowing the protection of this rare and endangered specie of fish. A change in the place of use would add emphasis to the demand on the spring. The protest recites the responsibility of the Nevada Department of Fish & Game to protect native wildlife and protests the present manner of diversion from the source (direct pumping from the spring.) It further states that an arrangement whereby the diversion was made from a point 200 or 300 yards downstream with no lowering of the spring's natural pool level would be acceptable. The protest asks that the application be "denied unless the point of diversion is changed to protect the pupfish."

The following are the rights of record for the appropriation of water from the source:

Permit 161 - Certificate 10 - Spring Meadows, Inc.

Priority - July 16, 1906

Source: Springs near center of Section 7 and springs near center of NW $\frac{1}{4}$ of Section 18, T. 18 S., R. 51 E; also springs in NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 12, T. 18 S., R. 50 E., (Point of Rock Springs, Indian Rock Springs, Indian Sup Springs, Jack Rabbit Springs and Barn Springs)

Amount of Appropriation: 2.54 c.f.s. for the irrigation of 15.02 acres - 45.06 acre-feet.

Permit 11169 - Certificate 4443 - Warren O. Wagner.

Priority: September 16, 1944.

Source: Rogers Spring (aka Jack Rabbit)

Amount of Appropriation: 1.5 c.f.s. of water for the irrigation of 70 acres from March 15th to October 1st of each year.

Permit 25333 - Spring Meadows, Inc.

Priority: April 16, 1964 (change of Permit 21958)

Source: Jackrabbit Spring (aka Rogers Spring)

Amount of Appropriation: 2.54 c.f.s. of water for the irrigation of 254 acres from January 1st to December 31st. Permit 25333 changes the point of diversion and place of use of Permit 21958.

Ruling

The protest to Application 25261 is overruled on the grounds that approval of the application constitutes a change in place of use only of an existing approved appropriation. A permit to change the place of use of waters heretofore appropriated under Permit 14196 will be issued, subject to existing rights, and further subject to the understanding that 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 fauna and flora.

Respectfully submitted,


Roland D. Westergard
State Engineer

RDW:JCP:jls

Dated this 15 day
of May, 1970.