

IN THE MATTER OF APPLICATION 30639)  
TO APPROPRIATE WATER FROM BIG )  
SPRINGS OR DEEP SPRINGS, AMARGOSA )  
DESERT, NYE COUNTY, NEVADA. )

R U L I N G

GENERAL:

Application 30639 was filed September 15, 1976, in the name of Mary Lou Hale to appropriate 1.0 cfs of water from Big Springs or Deep Springs, with the point of diversion to be located within the SW $\frac{1}{4}$  NE $\frac{1}{4}$  Section 19, T.18S., R.51E., M.D.B.&M. The water is to be used for irrigation and domestic purposes on 18.5 acres located within the SE $\frac{1}{4}$  SE $\frac{1}{4}$  Section 24, T.18S., R.50E., M.D.B.&M. and for the period of October 16 of each year to March 31 of the following year. This application became ready for action by the State Engineer's office on January 9, 1977. No protests to the granting of Application 30639 were filed.

Big Springs, also known as Deep Springs, is the source for the following water rights of record:

Permit 4200, Certificate 2251  
Date of Priority: October 21, 1916  
Owner of Record: Robert M. Tubb, Jr., and George W. Tubb  
Amount: 2.3129 c.f.s. or 906.75 acre-feet per season to irrigate 231.29 acres  
Period of Use: April 1 to October 15 of each year

Permit 8025, Certificate 2729  
Date of Priority: March 8, 1927  
Owner of Record: Ash Meadow Lodge, Inc.  
Amount: 0.63 c.f.s. or 230 acre-feet per annum to irrigate 63.0 acres  
Period of Use: April 1 to October 31 of each year

Permit 11384, Certificate 4484  
Date of Priority: October 11, 1945  
Owner of Record: Mary Lou Hale (4/5) and Garland R. Love (1/5)  
Amount: 0.3 c.f.s. but not to exceed 134.3 acre-feet per annum to irrigate 8.97 acres  
Period of Use: January 1 to December 31 of each year

Permit 25060  
Date of Priority: May 8, 1969  
Owner of Record: Robert M. Tubb  
Amount: 2.0 c.f.s. but not to exceed a yearly duty of 5.0 acre-feet per acre to irrigate 282.33 acres  
Period of Use: January 1 to December 31 of each year  
Proof of Beneficial Use: Due April 2, 1977.

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Permit 28827: To change the place of use of Permit  
11384, Certificate 4484  
Date of Priority: October 11, 1945 (same as Permit 11384)  
Owner of Record: Mary Lou Hale and I. K. Deeds  
Amount: 1.20 c.f.s., not to exceed a yearly duty of  
5.0 acre-feet per acre to irrigate 20.88 acres  
Proof of Beneficial Use: Due April 28, 1978

According to Report No. 14, Ground-Water Resources-  
Reconnaissance Series, flow from Big Springs has varied from  
1122 gpm (reported in 1916) to 1036 gpm in August, 1962.  
The average of reported flows and measurements published in  
Report 14 is 1045 gpm or 2.328 c.f.s. The flow from the  
spring was 1.74 c.f.s. measured at the Capolletti weir  
approximately 100 yards downstream was reported on September  
10, 1973 by Larry C. Reynolds of the Division of Water  
Resources.

Existing rights to the water from Big Springs total  
6.4429 c.f.s. for the following periods of use:

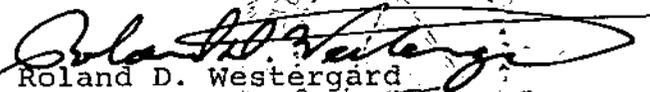
April 1 - October 15, 2.3129 c.f.s. (Permit 4200)  
April 1 - October 31, 0.63 c.f.s. (Permit 8025)  
January 1 - December 31, 0.3 c.f.s. (Permit 11384)  
January 1 - December 31, 2.0 c.f.s. (Permit 25060)  
January 1 - December 31, 1.20 c.f.s. (Permit 28827)

The record of flow from the spring indicates that there  
is not sufficient flow, at times, to satisfy the senior  
appropriator under Permit 4200. In addition, permits in  
good standing totaling 3.50 c.f.s have been issued for water  
from Big Springs for use throughout the entire year. The  
record of flow would also indicate there is not sufficient  
flow to satisfy existing water rights during the non-irrigation  
season.

**RULING:**

Application 30639 is herewith denied on the grounds that  
the granting would adversely affect prior existing water rights.

Respectfully submitted,

  
Roland D. Westergård  
State Engineer

RDW:BAR:sk

Dated this 30th day  
of March, 1977.