

IN THE MATTER OF APPLICATION 14195 )  
 FILED APRIL 2, 1952, BY ROSWELL M. )  
 FOX TO APPROPRIATE WATERS OF POINT )  
 OF ROCKS SPRING AND TRIBUTARIES )  
 FOR IRRIGATION AND DOMESTIC PURPOSES )  
 IN NYE COUNTY, NEVADA. )

R U L I N G

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Application 14195 was filed for 8.0 c.f.s. of the waters of Point of Rocks Springs, also known as King Springs, and Tributaries, to be diverted within the NE $\frac{1}{4}$  SW $\frac{1}{4}$  Section 7, T. 18 S., R. 51 E., M.D.B.&M., and used for the irrigation of 720 acres located within portions of Section 7, T. 18 S., R. 51 E., and Sections 11, 12 and 13, T. 18 S., R. 50 E., and Domestic purposes. This application is reportedly owned by Fred Gimm but no deeds of transfer have been filed with this office.

A protest to the granting of this application was filed on January 21, 1953, by Warren O. Wagner on the grounds that he has prior applications and established rights to the use of waters from these sources and believes there is no unappropriated water.

The applicant proposes to dig a channel approximately 900 feet in length and collect the waters of Indian Seeps, Indian Rock Spring and Point of Rocks Spring and convey them to a small reservoir. The water will then be rediverted into an existing ditch system.

Existing Rights - Point of Rocks Spring

Certificate 10 was issued under Permit 161 for 2.54 c.f.s. of the waters of Point of Rocks Spring, Jack Rabbit Spring and Barn Spring for the irrigation of 15.02 acres. The amount of water from each source is not specified. The total duty of water from all sources is 45.06 acre-feet per year. The owners of record of this right are R. M. Tubb, G. W. Tubb, et ux, and R. M. Tubb, Jr., et ux.

Certificate 3323 was issued under Permit 10928 for 0.30 c.f.s. of the waters of Point of Rocks Spring for the irrigation of 30 acres. The total duty of water is 180.0 acre-feet per year. Warren O. and Rose Marie Wagner are the owners of record of Certificate 3323.

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

Point of Rocks Springs has a continuous flow of 1.772 c.f.s. or 1,282.61 acre-feet per year.

Opinion

It is the opinion of this office that Point of Rocks Spring, Indian Rock Spring and Indian Seeps are three separate and distinct sources and are not to be considered as being tributary to one another.

Application 14195, then, is not compatible with the provisions of NRS 533.330, concerning the limit of an application to one source. Therefore, the application will be considered to be for the waters of Point of Rocks Spring only.

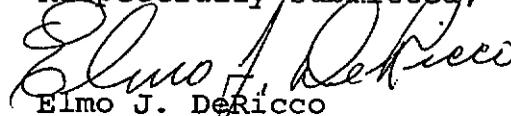
From existing rights on the source and from the knowledge that the spring flows constantly and without variation as to the amount of water, it can be determined that there is unappropriated water.

RULING

The protest to the granting of Application 14195 is hereby overruled and a permit will be issued subject to existing rights, and further subject to the following:

- (1) Complete chain of title to the present owner.
- (2) Permit will be limited to the waters of Point of Rocks Spring only.
- (3) The amount of water granted will be limited to 1.772 c.f.s.

Respectfully submitted,



Elmo J. DeRicco  
State Engineer

Dated this 15th day of .

March, 1963