

IN THE MATTER OF APPLICATION )  
NO. 29118, FILED BY MR. & MRS. )  
E. W. SCRIPPS, II ON JANUARY 3, )  
1975, TO APPROPRIATE THE WATER )  
OF SPRING NO. 2 (GREEN SPRING) )  
FOR IRRIGATION AND DOMESTIC )  
PURPOSES, IN WASHOE COUNTY, )  
NEVADA. )

R U L I N G

General

Application No. 29118 was filed by Mr. and Mrs. E. W. Scripps II on January 3, 1975, for permission to appropriate 0.10 c.f.s of water from Spring No. 2 (Green Spring) at a point within the NE $\frac{1}{4}$  SE $\frac{1}{4}$  Sec. 16, T.16N., R.20E., M.D.M., for Irrigation and Domestic purposes. The place of use is described as 23 acres within the SW $\frac{1}{4}$  NE $\frac{1}{4}$  and NW $\frac{1}{4}$  NE $\frac{1}{4}$  of the said Sec. 16.

No protests to the granting of Application 29118 were received by this office.

Spring No. 2 is the same source described under Proofs of Appropriation Nos. 02762 and 02763, both of which are decreed rights under the Deadman's Canyon Creek Decree.

Under Proof No. 02762, a right with a priority of 1875 is decreed for the appropriation of 0.009 c.f.s., or 1.48 acre-feet, for the irrigation of 0.37 acres of land in the NW $\frac{1}{4}$  SE $\frac{1}{4}$  of Sec. 16, T.16N., R.20E., M.D.M. The source is 2 springs, the second of which is the same as the Spring No. 2 described under Application 29118. The owners of record of Proof No. 02762 are Edward W. Scripps, II and Jean W. Scripps.

Under Proof No. 02763, a right with a priority of 1875 is decreed for the appropriation of 0.00297 c.f.s. of water, or sufficient to water 90 cattle and 5 horses from two springs, the second of which is the same as the Spring No. 2 described as the source under Application 29118. The owners of record of Proof No. 02763 are Edward W. Scripps, II and Jean W. Scripps.

The decree describes these sources as "Unnamed Springs Tributary to Deadman's Canyon Creek."

Under the Deadman's Canyon Creek Decree, a right with a priority of 1878 was decreed under Proof 02752 for the appropriation of 0.828 c.f.s. of water from Deadman's Canyon Creek and Tributaries from a point within the SE $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 17, T.16N., R.20E., M.D.M. for the irrigation of 33.1 acres within portions of the said Sec. 17. The owners of record of Proof 02752 are Mary S. G. Anderson and James S. W. Greil.

Decree No. 10000

The point of diversion under Proof 02752 is from the main channel of Deadman's Canyon Creek and downstream from the Spring No. 2, described in Application 29118 and Proofs 02762 and 02763.

A field investigation was held in the matter of Application 29118 on June 12, 1975. At the investigation, conflicting statements were made by Mrs. Greil, owner of Proof 02752, and a geologist representing the applicant Mr. Scripps as to whether the waters of Spring No. 2 had or would reach Deadman's Canyon Creek. Mr. Scripps stated that he believed that after the water from Spring No. 2 had been piped to his land, the runoff would contribute to the flow of Deadman's Canyon Creek.

An affidavit, sworn to by a Harry McGovern, was submitted to this office by Milton Manoukian, attorney representing Mrs. Greil. The affiant says that he is familiar with the spring described in the application from 1947 to 1961 by virtue of his employment with the Virginia City Water Company and its successor, and that of his own knowledge water from the spring was tributary to the flow of Deadman's Creek.

Testimony received at the Hearing to the Objections to the Preliminary Order of Determination in the Matter of the Determination of the Relative Rights in and to the Waters of Deadman's Canyon Creek on May 15, 1974, indicates that the entire flow of Deadman's Canyon Creek is used to irrigate the right granted under Proof 02752 when available (see page 26 of transcript of hearing).

#### Conclusions

1. Spring No. 2, the proposed source, is tributary to Deadman's Canyon Creek.
2. There is insufficient flow in Deadman's Canyon Creek to satisfy existing rights.

#### Ruling

Application 29118 is denied on that grounds that its granting would be detrimental to existing rights.

Respectfully submitted,

  
Roland D. Westergard  
State Engineer

RDW:JCP:jv

Dated this 22nd day of

December, 19 77