

IN THE MATTER OF APPLICATION 39273 )  
TO APPROPRIATE WATER FROM "SPRING )  
SPRING" #1 AND APPLICATION 39274 )  
TO APPROPRIATE WATER FROM "SPRANG )  
SPRING" IN WASHOE VALLEY, WASHOE )  
COUNTY, NEVADA )

RULING

FINDING OF FACTS

I

Application 39273 was filed October 2, 1979, in the name of Robert W. and Sandra E. Oglesby to appropriate 1.0 c.f.s. of water from "Spring Spring" #1 located within the SW $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 26, T.16N., R.19E., M.D.B.& M., for irrigation and domestic purposes. The place of use being within a portion of the NE $\frac{1}{4}$  of Section 26, T.16N., R.19E., M.D.B.& M., containing 30 acres.

II

Application 39274 was filed October 2, 1979, in the name of Robert W. and Sandra E. Oglesby to appropriate 1.0 c.f.s., of water from "Sprang Spring" located within the SW $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 26, T.16N., R.19E., M.D.B.& M., for irrigation and domestic purposes. The place of use being within a portion of NE $\frac{1}{4}$  of Section 26, T.16N., R.19E., M.D.B.& M., containing 30 acres.

III

Timely protests to the granting of Applications 39273 and 39274 were filed August 15, 1980, in the name of John E. Pezzi which seek the denial of the applications on the grounds that:

"When purchasing the property the previous owner assured me that, except for drought years, the water from the springs ran year round, which was confirmed by surrounding neighbors. I bought the property for aesthetic value. With the water diverted, I'm sure the property value was brought down. The water is a tributary to Washoe Lake."

IV

A field investigation into the matter of Applications 39273 and 39274 was conducted on October 3, 1980, by members of the State Engineer's office. The applicant and the protestant were represented at the investigation. Report of Field Investigation No. 692 described the results and findings of this field investigation and is made a part of this ruling.

CONCLUSIONS

I

The State Engineer has jurisdiction of the parties and subject matter of this action. 1/

II

The State Engineer is prohibited by law from granting a permit where:

- A) There is no unappropriated water in the proposed service, or
- B) The proposed use conflicts with existing rights, or
- C) The proposed use threatens to prove detrimental to the public welfare. 2/

RULING

Applications 39273 and 39274 will be granted on the grounds that there is unappropriated water at the source, the proposed use does not conflict with existing rights, and the proposed use does not threaten to be detrimental to the public welfare.

Respectfully submitted,



William J. Newman, P.E.  
State Engineer

Dated this 6<sup>th</sup> day of  
November, 1980.

WJN/HBW/js

FOOTNOTES

- 1/ NRS 533.025 and NRS 533.030, subsection 1
- 2/ NRS 533.370, subsection 4