

IN THE OFFICE OF THE STATE ENGINEER

IN THE MATTER OF APPLICATION 47446 )  
FILED TO APPROPRIATE THE PUBLIC )  
WATERS OF AN UNNAMED STREAM IN )  
CARSON VALLEY, DOUGLAS COUNTY, )  
NEVADA. )

RULING

105

GENERAL

Application 47446 was filed on November 22, 1983, by Wilfred L. and Doreen F. Jones and David H. and Margaret Jones Biggs to store 10.0 acre-feet and to appropriate 0.6 c.f.s. of water from an unnamed stream for irrigation purposes on 77 acres of land within the NW1/4 SE1/4, SW1/4 SE1/4 Section 15, T.12N., R.19E., M.D.B.&M. The point of diversion is described as being within the NW1/4 SE1/4 Section 15, T.12N., R.19E., M.D.B.&M.<sup>1</sup>

FINDINGS OF FACT

I.

The State Engineer routinely sends copies of applications filed in the Carson or Truckee River Basins to the Federal Water Master.

II.

On February 8, 1984, the Federal Water Master replied by letter stating that there are no existing water rights for the area described, however, the source of water in the proposed appropriation is tributary to the Carson River.<sup>2</sup>

CONCLUSIONS

I.

The State Engineer has jurisdiction of the parties and the subject matter of this action.<sup>3</sup>

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<sup>1</sup> Public record in the office of the State Engineer.

<sup>2</sup> Letter filed under Application 47446, dated February 8, 1984, public record in the office of the State Engineer.

<sup>3</sup> NRS 533.325.

II.

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

- A. there is no unappropriated water in the proposed source, or
- B. the proposed use conflicts with existing rights, or
- C. the proposed use threatens to prove detrimental to the public interest.<sup>4</sup>

III.

In United States of America v. Alpine Land and Reservoir Company, Civil No. D-183 BRT, Final Decree, Findings of Fact No. 2, page 1, states that the Truckee River and its tributaries are interstate streams and the waters of the Carson River and its tributaries are fully appropriated.

**RULING**

Application 47446 is hereby denied on the grounds there is no unappropriated water in the source as set forth in the Final Judgment and Decree of the Carson River and further that the granting of the application would tend to impair the value of existing rights.

Respectfully submitted



Peter G. Morros  
State Engineer

PGM/MT/bl

Dated this 23rd day of  
January, 1985.

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<sup>4</sup> NRS 533.370, subsection 3.