

IN THE OFFICE OF THE STATE ENGINEER

IN THE MATTER OF APPLICATION 48323)
FILED TO APPROPRIATE THE PUBLIC)
WATERS OF A SPRING IN CARSON VALLEY,)
DOUGLAS COUNTY, NEVADA.)

RULING

GENERAL

Application 48323 was filed on August 17, 1984, by United Venture Capital, Inc. and Walley's Hot Springs Resort and Country Club to appropriate 0.045 c.f.s. of water from a spring for irrigation and domestic purposes within the NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 22, SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 15, T.13N., R.19E., M.D.B.&M. The point of diversion is described as being within the SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 15, T.13N., R.19E., M.D.B.&M.¹

FINDINGS OF FACTS

I.

This spring is tributary to Brockliss Slough which is tributary to the Carson River.²

II.

The Carson River and its tributaries are fully appropriated.³

CONCLUSIONS

I.

The State Engineer has jurisdiction of the parties and the subject matter of this action and determination.⁴

¹ Public record in the office of the State Engineer.

² Report of field investigation attached to file 48323 in the office of the State Engineer.

³ United States v. Alpine Land and Res. Co., et al Civil No. D-183 BRT, Finding of Fact No. II.

⁴ NRS 533.025 and NRS 533.030 (1).

II.

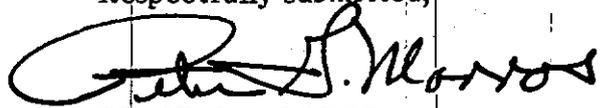
The State Engineer is prohibited by law from granting a permit under an application to appropriate the public waters where:⁵

- A. There is no appropriated water at 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.

RULING

Pursuant to the foregoing Findings of Fact and Conclusions, Application 48323 is hereby denied on the grounds that approving said application would conflict with and impair the value of existing rights on the Carson River and its tributaries.

Respectfully submitted,



PETER G. MORROS
State Engineer

PGM/MT/11

Dated this 22nd day of

February, 1985.

⁵ NRS 533.370 (3).