

IN THE OFFICE OF THE STATE ENGINEER

IN THE MATTER OF APPLICATION 45257)
FILED TO APPROPRIATE WATER FROM AN)
UNNAMED SPRING IN PLEASANT VALLEY,)
WASHOE COUNTY, NEVADA.)

RULING

GENERAL

Application 45257 was filed on January 22, 1982, by Dehlawi Nevada Corp. to appropriate 2.0 c.f.s. of water from an unnamed spring to be used for the irrigation of 170 acres in the E1/2 Section 13, T.17N., R.19E.; NW1/4 and W1/2 NE1/4 Section 18, T.17N., R.20E., M.D.B.&M. The point of diversion is described as being within the SE1/4 NE1/4 Section 13, T.17N., R.19E., M.D.B.&M.¹

The application was advertised for the statutory period, processed and was not protested.¹

FINDINGS OF FACT

I.

The spring was field checked by Gene Clock and R. Michael Turnipseed of the Division of Water Resources and Steve Pagni landowner on October 19, 1988,¹ and found to be tributary to Steamboat Creek.

II.

The spring was found near the confluence of Browns Creek and Steamboat Creek, along with many springs that appear along the grade of the abandoned V & T Railroad grade.²

¹ Public record in the office of the State Engineer.

² See handwritten memo in file 45257, public record in the office of the State Engineer.

III.

There was evidence that the springs have been used for many years to irrigate the lands on the place of use described. In fact the springs are mentioned in Truckee River Decree as part of Claim 673.³

CONCLUSIONS

I.

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

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.

III.

The spring makes up a portion of the irrigation covered under Truckee River Claim #673 and to approve a new appropriation on this spring would interfere with existing decreed water rights.

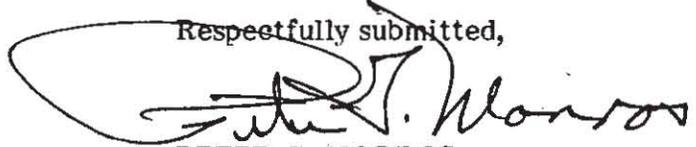
³ U.S. vs. Orr Water Ditch Co., et al. Docket No. A3 in the District Court of the United States in and for the District of Nevada.

⁴ NRS 533.325.

RULING

Application 45 257 is hereby denied on the ground that to approve the application would interfere with existing decreed rights and would not be in the public interest.

Respectfully submitted,



PETER G. MORROS
State Engineer

PGM/bk

Dated this 9th day of

January, 1989.