

**IN THE OFFICE OF THE STATE ENGINEER**

IN THE MATTER OF APPLICATION 52798)  
FILED TO APPROPRIATE THE PUBLIC)  
WATERS OF BELL SPRING, TRUCKEE)  
MEADOWS IN WASHOE COUNTY, NEVADA. )

**RULING**

**GENERAL**

I.

Application 52798 was filed on December 22, 1988, by Vance N. Bell to appropriate 0.1 c.f.s. of water from Bell Spring for quasi-municipal use for two families within a portion of the NE $\frac{1}{4}$  of Section 11, T.18N., R.19E., M.D.B.&M. The point of diversion is described as being within the NW $\frac{1}{4}$  NE $\frac{1}{4}$  Section 11, T.18N., R.19E., M.D.B.&M.<sup>1</sup>

**FINDINGS OF FACT**

I.

The source was field examined by representatives of the State Engineer's office on September 1, 1989<sup>2</sup> and was measured at 24 gallons per minute which flows across a short distance of meadow before being confined to a more defined water course.

II.

The water course is a tributary to Dry Creek and is the source of water that is the subject of claims in the Truckee River Decree.<sup>3</sup>

**CONCLUSIONS**

I.

The State Engineer has jurisdiction of the parties and the subject matter of this action.<sup>4</sup>

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

<sup>2</sup> See report of field investigation and photographs dated November 16, 1989, in file 52798, public record in the office of the State Engineer.

<sup>3</sup> See claim 217 in U.S. vs. Orr Water Ditch Co., et al. in Equity, Docket No. A3, Final Decree; U.S. District Court, District of Nevada, 1944.

<sup>4</sup> NRS Chapter 533.

II.

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

- A. There is no unappropriated water at the proposed source, or
- B. The proposed use or change conflicts with existing rights, or
- C. The proposed use or change threatens to prove detrimental to the public interest.

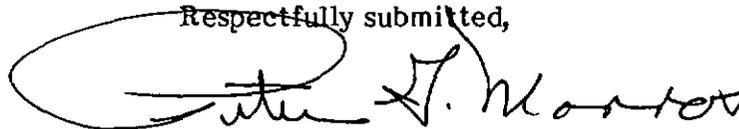
III.

The State Engineer finds that to approve this application would impair the value of existing decreed rights to the source.

RULING

Application 52798 is hereby DENIED on the grounds that the approval of said application would impair the value of existing decreed water rights.

Respectfully submitted,



PETER G. MORROS  
State Engineer

PGM/RMT/bk

Dated this 20th day of  
November, 1989.

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<sup>5</sup> NRS Chapter 533.370.