

IN THE MATTER OF APPLICATION )  
33868 FILED BY EDD P. FURGERSON )  
TO CHANGE THE POINT OF DIVERSION )  
MANNER AND PLACE OF USE OF WATER) R U L I N G  
PREVIOUSLY APPROPRIATED FROM THE )  
CARSON RIVER, LOCATED IN CARSON )  
CITY, NEVADA. )

FINDINGS OF FACT

I

Application 33868 was filed on September 29, 1977 by Edd P. Furgerson to change the point of diversion, manner and place of use of water heretofore appropriated under the proposed Findings of Fact and Decree on the Carson River. The amount of water to be change is 0.28 c.f.s., not to exceed 100 acre-feet per year. The manner of use is proposed to be changed from irrigation and domestic to municipal. The proposed point of diversion is described as being within the NW $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 26, T.15N., R.20E., M.D.B. & M. The proposed place of use is described as being Section 4 and the E $\frac{1}{2}$  of Section 5 in T.14N., R.20E., M.D.B. & M.; Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 14, 15, 16, 17, 18, the E $\frac{1}{2}$  of Section 19, Sections 20, 21, 22, 23, 28, 29, the E $\frac{1}{2}$  of Section 30, the E $\frac{1}{2}$  of Section 31, Sections 32 and 33, all in T.15N., R.20E., M.D.B. & M.; the S $\frac{1}{2}$  of Section 31, the S $\frac{1}{2}$  of Section 32, Section 33, the W $\frac{1}{2}$  of Section 34, all in T.16N., R.20E., M.D.B. & M.; Section 1, the E $\frac{1}{2}$  of Section 2, Sections 12 and 13, all in T.15N., R.19E., M.D.B. & M.; Section 35 and the S $\frac{1}{2}$  of Section 36 in T.16N., R.19E., M.D.B. & M. The existing place of use is described as 20 acres within the NE $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 15, T.15N., R.20E., M.D.B. & M. The existing point of diversion is at what is known as the Mexican Dam located within the NE $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 35, T.15N., R.20E., M.D.B. & M. The remarks in Application 33868 are:

"Purpose of Change is to provide water to Carson City." This application was ready for action on December 18, 1977.

II

A hearing in the matter of Application 33868 was held by the State Engineer on January 19, 1978. Mr. Edd P. Furgerson appeared in person at said hearing.1/

III

Counsel for the Carson City Board of Supervisors indicated at the January 19 hearing that the Supervisors on January 13, 1978 unanimously voted not to enter into the agreement with Mr. Edd P. Furgerson the subject of Application to Change Number 33868.2/

IV

In response to a request for information for the record and clarification as to the status of Application 33868, Mr. Furgerson indicated that he did not consider the City's decision final and that there could be further negotiations.3/

V

Mr. Paul Lumos, Carson City Public Works Director indicated that after reviewing the priorities of Mr. Furgerson's water right and the limited availability of the water right, the Board of Supervisors decided not to enter into an agreement. He also indicated that to his knowledge, Mr. Furgerson was on the agenda for Board of Supervisors meeting the week following the January 19 hearing.4/

VI

No subsequent or additional information has been received from or filed by Mr. Edd P. Furgerson or Carson City in the matter of Application 33868.5/

CONCLUSIONS

I

The State Engineer has jurisdiction of the parties and the subject matter of this application. 6/

II

A requirement for approval of an application to appropriate water is a contemplation of the application of water to beneficial use. 7/

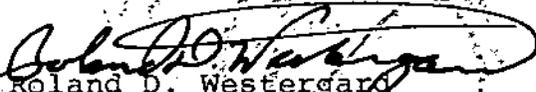
III

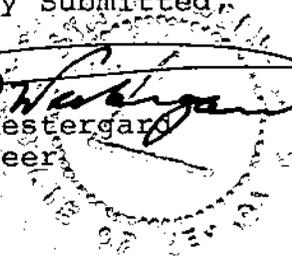
Information and evidence available indicate that the applicant lacks the capability to place the water sought to be changed by application 33868 to beneficial use for municipal purposes in Carson City.

RULING

Application 33868 is hereby denied on the grounds that the water to be changed cannot be placed to beneficial use for the purposes proposed and in the area as described in the application.

Respectfully Submitted,

  
Roland D. Westergard  
State Engineer



Dated this 6th day  
of April, 1978.

RDW:PGM/jv

FOOTNOTES

1. Transcript of January 19, 1978 hearing, Page 5 Line 20.
2. Transcript of January 19, 1978 hearing, Page 7 Lines 9 thru 12.
3. Transcript of January 19, 1978 hearing, Pages 56 and 57
4. Transcript of January 19, 1978 hearing, Pages 100 and 101.
5. Public records in the Office of the State Engineer.
6. NRS 533.025 and NRS 533.030, subsection 1.
7. NRS 533.370, subsection 1.