

IN THE MATTER OF APPLICATION NO. 14057  
FILED FEBRUARY 19, 1952 BY JOHN ARDEN  
AND OLIVER ARMSTRONG TO CHANGE THE  
POINT OF DIVERSION AND PLACE OF USE OF  
THE WATER OF THE TRUCKEE RIVER AS  
EVIDENCED BY CLAIM NO. 502. THIS  
APPLICATION WAS PROTESTED JUNE 27, 1952  
BY THE SIERRA PACIFIC POWER COMPANY.

RULING

General:

Pursuant to statute the State Engineer held a hearing on Application No. 14057 in Carson City, Nevada on September 23, 1955, at which time both applicant and protestant were given an opportunity to be heard. The hearing was not reported. At the conclusion of the hearing it was agreed that both parties would submit briefs on points of authorities to the State Engineer. These documents were received and have been reviewed.

The State Engineer has examined and studied the Truckee River Decree and Truckee River Agreement as well as numerous applications filed in the office of the State Engineer for the purpose of changing the place, manner of use and point of diversion of certain of the rights adjudicated by the foregoing decree.

Opinion:

It is the opinion of the State Engineer that, for the following reasons, the proposed transfer would not be detrimental to existing rights:

1. The amount of water to be changed and diverted by direct flow is twenty miner's inches, for limited periods which are fixed by the Truckee River Decree, and is not measurable against flows in the Truckee River.
2. That during several months of the year the flow of the Truckee River exceeds all direct flow requirements within the Truckee Meadows.
3. That the Truckee River Agreement modifies the Truckee River Decree and as a consequence in part modifies divertable flows as fixed in the Decree.

4. That numerous changes in points of diversion have been made, without protest or measurable detriment, by individuals including Sierra Pacific Power Company, which modify flows within the Truckee Meadows area.
5. The applicants have received from the Steamboat Canal and Irrigation Company the right to convey in the Steamboat Canal the water desired to be transferred.
6. As recalled, the testimony of Mr. Devore was that under present operation the amount of water diverted into the Steamboat Canal was its present capacity to carry water. Under such a condition this transfer of water could not change present methods of operation but would in effect be a paper transfer only. It appears reasonable to suppose that the Power Company has not objected to the present operation and would not, therefore, be losing anything by the granting of this permit.

RULING

The protest of Sierra Pacific Power Company to the granting of a permit under Application No. 14057 is not sustained and a permit will be issued to the applicants.

Respectfully submitted,

*Edmund A. Muth*

EDMUND A. MUTH  
State Engineer.

Dated this 27th day  
of March, 1957.