

IN THE OFFICE OF THE STATE ENGINEER

IN THE MATTER OF APPLICATIONS 43593)
AND 43594 FILED BY MARK C. CARR TO)
APPROPRIATE WATER FROM AN UNNAMED)
SPRING IN WARM SPRINGS VALLEY,)
WASHOE COUNTY, NEVADA.)

RULING

GENERAL

Application 43593 was filed on April 24, 1981, by Mark C. Carr to appropriate 0.25 c.f.s. of water from Unnamed Spring No. 1 for irrigation and domestic purposes on 20 acres of land within a portion of the S1/2 NE1/4 Section 13, T.22N., R.20E., M.D.B.&M., and all of Section 18, T.22N., R.21E., M.D.B.&M. The point of diversion is described as being within the SW1/4 NW1/4 Section 18, T.22N., R.21E., M.D.B.&M.¹

Application 43594 was filed on April 24, 1981, by Mark C. Carr to appropriate 0.25 c.f.s. of water from Unnamed Spring No. 1 for stockwater, domestic and wildlife purposes within a portion of the S1/2 NE1/4 Section 13, T.22N., R.20E., M.D.B.&M., and all of Section 18, T.22N., R.21E., M.D.B.&M. The point of diversion is described as being within the SW1/4 NW1/4 Section 18, T.22N., R.21E., M.D.B.&M.¹

A field investigation was made on April 18, 1984, to examine the source of the applications.² The spring consists of an inch pipe running horizontally from a hillside. There was little indication from the ground cover around the pipe that much water was near the surface of the ground. As it was discovered on an earlier visit to the site, there was only an occasional drip of water coming from the pipe - too little to warrant a measurement. The owner was advised of the results of the examination.

FINDINGS OF FACT

I.

The proposed source of water for Applications 43593 and 43594 is located in a ravine that drains in a northwesterly direction for the PahRah Range into Warm Springs Valley.

II.

There was no indication from the field investigation that the proposed source of water would supply adequate flows for irrigation or stockwatering purposes.

¹ Public record in the office of the State Engineer filed under Applications 43593 and 43594.

² A copy of the field investigation report is filed with Application 43593, public record on file in the office of the State Engineer.

III.

The nearest surface water to the proposed point of diversion is a spring known as Coyote Spring located approximately one-half mile to the northwest. Although Coyote Spring has certificated water rights for stockwater, it provides very minimum flows for that purpose.³

IV.

NRS 533.367 provides the requirement to insure access of wildlife to water it customarily uses. Before a person may obtain a right to the use of the water from a spring or water which has seeped to the surface of the ground, he must insure that wildlife which customarily uses the water will have access to it. Evidence and information available to the State Engineer indicates that the source under the subject applications is minimumly sufficient to provide water for wildlife that frequent the area.²

CONCLUSIONS

I.

The State Engineer has jurisdiction of the party 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.⁵

III.

The evidence and information available does not indicate there is adequate surface water available at the source to provide for irrigation or stockwatering as proposed under Applications 43593 and 43594.

³ Certificate 5226 is a public record on file in the office of the State Engineer.

⁴ NRS 533.325.

⁵ NRS 533.370, subsection 3.

RULING

Applications 43593 and 43594 are hereby denied on the grounds that there is insufficient amounts of water for the proposed uses.

Respectfully submitted

A handwritten signature in black ink, appearing to read "Peter G. Morros", written over a horizontal line.

Peter G. Morros
State Engineer

PGM/GC/bl

Dated this 8th day of

NOVEMBER, 1984.