

IN THE OFFICE OF THE STATE ENGINEER

IN THE MATTER OF APPLICATION 41195)
FILED TO APPROPRIATE THE PUBLIC)
WATERS OF AN UNNAMED CREEK IN)
TRUCKEE MEADOWS, WASHOE COUNTY,)
NEVADA.)

RULING

GENERAL

Application 41195 was filed on April 28, 1980, by Adeline Minor and George Minor to appropriate 0.5 c.f.s. of water from an unnamed creek for irrigation and domestic purposes on 25 acres of land within the SE1/4 NW1/4, SW1/4 NE1/4 Section 2, T.17N., R.20E., M.D.B.&M. The point of diversion is described as being within the SE1/4 NE1/4 Section 2, T.17N., R.20E., M.D.B.&M. Application 41195 was assigned to Harvey T. and Mary E. Fenton on November 29, 1984.¹

FINDINGS OF FACT

I.

The source is not an unnamed creek but rather Newton Creek.²

II.

Newton Creek is an intermittent stream fed by melting snow and two springs which were found to be fully appropriated.³

III.

Other water rights of record on file in the office of the State Engineer are Permit 11583, Certificate 4700, for 0.5 c.f.s. on 2.1 acres of land in the name of George Minor and Adeline Minor; and an undetermined claim of vested right, No. 03443, for 0.5 c.f.s. on 20 acres of land in the name of Harvey T. and Mary E. Fenton.¹

¹ Public record in the office of the State Engineer.

² See maps in support of Claim 02352 In the Matter of the Determination of the Relative Rights in and to the Waters of Newton Creek and Its Tributaries, Second Judicial District Court, State of Nevada, public record in the office of the State Engineer.

³ See Finding of Fact III In the Matter of the Determination of the Relative Rights in and to the Waters of Newton Creek and Its Tributaries, Second Judicial District Court, State of Nevada, public record in the office of the State Engineer.

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 under an application to appropriate the public waters where:⁵

- A. There is no unappropriated water at 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 State Engineer finds that this stream is fully appropriated and to approve Application 41195 would impair the value of existing water rights.

RULING

Application 41195 is hereby denied on the grounds that the source described herein known as Newton Creek or as an unnamed creek has been declared fully appropriated by the Court and to grant the application would interfere with existing rights.

Respectfully submitted,



PETER G. MORROS
State Engineer

PGM/RMT/bl

Dated this 17th day of
September, 1986.

⁴ NRS 533.325.

⁵ NRS 533.370(3).