

**IN THE OFFICE OF THE STATE ENGINEER**

IN THE MATTER OF APPLICATION 49694)  
FILED TO APPROPRIATE THE PUBLIC)  
WATERS OF AN UNNAMED SPRING IN THE)  
TRUCKEE MEADOWS, WASHOE COUNTY,)  
NEVADA. )

**RULING**

**GENERAL**

Application 49694 was filed on February 7, 1986, by White Pine Lumber Company to appropriate 0.5 c.f.s. of water from an unnamed spring for recreational and domestic purposes within the E1/2 SW1/4, SE1/4 Section 26; E1/2 SE1/4 NE1/4, E1/2 NE1/4 SE1/4 Section 34; SW1/4 NW1/4, E1/2 NW1/4, N1/2 SW1/4, NW1/4 SE1/4, W1/2 NE1/4, W1/2 E1/2 NE1/4 Section 35, T.19N., R.19E., M.D.B.&M. The point of diversion is described as being within the SE1/4 SW1/4 Section 34, T.19N., R.19E., M.D.B.&M.<sup>1</sup>

A field investigation was conducted on September 3, 1987, to gather information for the State Engineer. It was determined that the spring source under Application 49694 had an estimated flow in excess of 100 gallons per minute that flowed into Evans Creek.<sup>1</sup>

**FINDINGS OF FACT**

I.

The spring source of water under Application 49694 is tributary to Evans Creek which in turn is tributary to the Truckee river, a decreed river system.<sup>2</sup>

**CONCLUSIONS**

I.

The State Engineer has jurisdiction of the parties and the subject matter of this action and determination.<sup>3</sup>

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

<sup>2</sup> Final Decree in United States v. Orr Water Ditch Co., et al., Equity A-3 (D. Nev. 1944).

<sup>3</sup> NRS 533.325.

II.

The State Engineer is prohibited by law from granting a permit under an application to appropriate the public waters where:<sup>4</sup>

- 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.

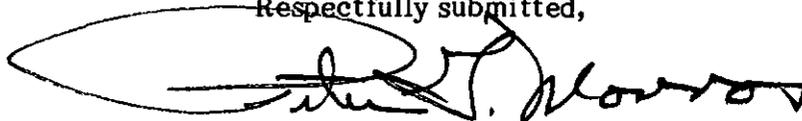
III.

The State Engineer concludes that the source of water under the subject application is tributary to the Truckee River and that the granting of the application would interfere with existing rights.

**RULING**

Application 49694 is hereby denied on the grounds that approval would interfere with and impair existing rights set forth in the Truckee River Decree.

Respectfully submitted,



Peter G. Morros  
State Engineer

PGM/GC/bl

Dated this 1st day of

October, 1987.

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<sup>4</sup> NRS 533.370(3).