

IN THE OFFICE OF THE STATE ENGINEER

IN THE MATTER OF APPLICATIONS 43883,
43884 and 43885 FILED TO APPROPRIATE)
THE WATER OF TWIN SPRINGS, TWIN)
SPRINGS CREEK AND BOLT SPRINGS IN)
WARM SPRINGS VALLEY, WASHOE COUNTY,))
NEVADA.)

RULING

GENERAL

Application 43883 was filed on June 12, 1981, by Rual or Marjorie Meredith to appropriate 0.5 c.f.s. of water from Twin Springs Creek for irrigation of 30 acres within the SW1/4 NW1/4, NW1/4 SW1/4 Section 3, T.21N., R.22E., M.D.B.&M. The point of diversion is described as being within the NE1/4 SW1/4 Section 3, T.21N., R.22E., M.D.B.&M.¹

Application 43884 was filed on June 12, 1981, by Rual or Marjorie Meredith to appropriate 0.5 c.f.s. of water from Twin Springs #1 for irrigation of 30 acres within the SW1/4 NW1/4, NW1/4 SW1/4, Section 3, T.21N., R.22E., M.D.B.&M. The point of diversion is described as being within the SE1/4 NW1/4 Section 2, T.21N., R.22E., M.D.B.&M.¹

Application 43885 was filed on June 12, 1981, by Rual or Marjorie Meredith to appropriate 0.5 c.f.s. of water from Bolt Springs for irrigation of 30 acres within the SW1/4 NW1/4, NW1/4 SW1/4 Section 3, T.21N., R.22E., M.D.B.&M. The point of diversion is described as being within the NE1/4 SW1/4 Section 2, T.21N., R.22E., M.D.B.&M.¹

Applications 43883, 43884 and 43885 were timely protested by MCO Properties on the following grounds:²

"That said waters are an integral part and contribute to the Warm Springs Valley Ground Water Basin and that further appropriation would adversely affect existing rights in a basin previously designated by the State Engineer."

¹ Public record in the office of the State Engineer.

² Copies of the protests are public record on file in the office of the State Engineer under Applications 43883, 43884 and 43885.

Field investigations³ were held on April 6 and April 13, 1988, by division staff to gather additional information for the State Engineer prior to taking action on the pending applications.

FINDINGS OF FACT

I.

The points of diversion⁴ of the subject applications are from springs and head waters of the Home Ranch Canyon drainage which flows northwest from the Pah Rah Mountains to the valley floor of Warm Springs Valley.

II.

The place of use of the subject applications is supplemental to existing appropriations Nos. 43103, 43104 and 43105 and supplemental in part to claim of vested right 02333.

III.

Groundwater and surface water appropriations⁵ are regarded as separate and divergent sources.

IV.

Existing certificated water rights permitted rights and claims of vested rights of record for Home Ranch Canyon and its tributaries are as follows:⁶

³ Copies of the field investigation are public record on file in the office of the State Engineer under Applications 43883, 43884 and 43885.

⁴ See footnote No. 3.

⁵ Chapter 533 and 534.

⁶ Same as footnote No. 1.

- 1) Proof of Appropriation 02333 was filed on July 29, 1946, by James E. Stead for 1.0 c.f.s. of water from Home Ranch Creek and tributaries to irrigate 62.28 acres in portions of Sections 3, 4 and 5, T.21N., R.22E., M.D.B.&M. Stockwater and domestic use was also claimed. The present owner of record is Pratt Properties.
- 2) Permit 11653 Certificate 3663 was issued on November 15, 1946, to appropriate 500 acre-feet of storage from Aspen Creek for irrigation of 100 acres. The certificate was issued for 327 acre-feet of water for 54.51 acres of land. The present owner of record is Pratt Properties.
- 3) Permit 11654 Certificate 3664 was issued on November 15, 1946, to appropriate 500 acre-feet of storage from Twin Springs Creek for irrigation of 12.71 acres of land. The certificate was issued for 360 acre-feet of water for 60.09 acres of land. The present owner of record is Pratt Properties.
- 4) Permit 43103 was issued on August 6, 1985, to appropriate 0.5 c.f.s. of water from Darlene Spring to irrigate 30 acres of land.
- 5) Permit 43104 was issued on August 6, 1985, to appropriate 0.5 c.f.s. of water from an unnamed stream (Quaking Aspen Springs) to irrigate 30 acres of land.
- 6) Permit 43105 was issued on August 6, 1985, to appropriate 0.5 c.f.s. of water from Seven Springs to irrigate 30 acres of land.

V.

The State Engineer finds that in view of the common source of water and place of use with existing appropriations, claim of vested right and the subject applications, there is unappropriated water at the source and that granting said applications would not interfere with or impair existing rights and it would be in the public interest.

CONCLUSIONS

I.

The State Engineer has jurisdiction of the parties and the subject matter of this action.⁷

II.

The State Engineer concludes from the evidence and information available that there is unappropriated water at the source.

III.

Approval of Applications 43883, 43884 and 43885 would not interfere with nor impair existing rights.

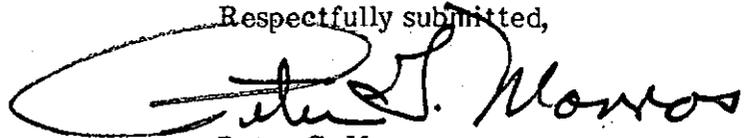
RULING

The protests to Applications 43883, 43884 and 43885 are hereby overruled on the grounds that granting the subject permits will not tend to impair the value of existing rights or be otherwise detrimental to the public welfare.

⁷ NRS 533.325.

Permits will be issued for Applications 43883, 43884 and 43885 upon payment of the required statutory fees.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Peter G. Morros". The signature is written in a cursive style with a large, looping initial "P".

Peter G. Morros
State Engineer

PGM/GC/bk

Dated this 28th day of

FEBRUARY, 1989.