

IN THE MATTER OF APPLICATION NO.
12751, FILED DECEMBER 4, 1948, TO
APPROPRIATE 2.0 C.F.S. OF THE WATERS
OF INCLINE CREEK FOR QUASI-MUNICIPAL
AND DOMESTIC PURPOSES IN WASHOE COUNTY,
NEVADA.

RULING

- General -

Application No. 12751 was filed December 4, 1948, by Mr. George Whittell to appropriate 2.0 c.f.s. of water from Incline Creek for Quasi-Municipal and Domestic use. This application has been assigned to the Crystal Bay Development Company.

Protests to the granting of a permit under this application were filed by the Washoe County Water Conservation District on September 28, 1949, and by the Sierra Pacific Power Company and the Truckee-Carson Irrigation District on September 29, 1949. Each of the three protestants allege there is no unappropriated water in the Truckee River Stream System, and that their rights as set forth in the Truckee River Decree, entitled "The United States of America, Plaintiff, v. Orr Water Ditch Company, et al, Defendants, Equity Docket No. A. 3", will be impaired if a permit is issued under Application No. 12751.

- Findings -

1. The Truckee River Decree does not find or declare the Truckee River Stream System fully appropriated.
2. Use records and stream flow records substantiate the fact that unappropriated water exists in the system.
3. The granting of a permit will not be detrimental to the protestants' valid rights under the decree.

- Ruling -

The protests of the Sierra Pacific Power Company, the Truckee-Carson Irrigation District and the Washoe County Water Conservation District are overruled.

A permit will be granted for 2.0 c.f.s. for Quasi-Municipal and Domestic use subject to valid existing rights.

Respectfully submitted,

Edmund A. Muth
EDMUND A. MUTH
State Engineer

Dated this 20th day of

June, 1960.