

**IN THE OFFICE OF THE STATE ENGINEER
OF THE STATE OF NEVADA**

IN THE MATTER OF APPLICATIONS 48779)
AND 48780 FILED TO APPROPRIATE THE)
PUBLIC WATERS OF THE CARSON RIVER)
WITHIN THE DAYTON VALLEY)
HYDROGRAPHIC BASIN (103), CARSON)
CITY AND LYON COUNTY, NEVADA.)

RULING

#5062

GENERAL

I.

Application 48779 was filed on January 25, 1985, by John D Winters as a primary application to appropriate 500 cubic feet per second, not to exceed 25,000 acre-feet annually, of water from the main stream of the Carson River for storage purposes. The proposed point of diversion is described as being located within the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 6, T.15N., R.21E., M.D.B.& M.¹

II.

Application 48780 was filed on January 25, 1985, by John D Winters as a primary application to appropriate 500 cubic feet per second, not to exceed 25,000 acre-feet annually of water from the main stream of Carson River for storage purposes. The proposed point of diversion is described as being located within the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 4, T.15N., R.21E., M.D.B.&M.²

III.

Applications 48779 and 48780 both state that the water is to be used for storage from January 1st to December 31st of each year with beneficial use and the proposed place of use to be determined by secondary applications. Furthermore, the remarks state that after said applications are transferred to the entity or entities responsible for over seeing the management of the reservoirs, the stored water will be used for generating power and to provide the most efficient multi-purpose use of the river waters.^{1,2}

¹ File No. 48779, official records in the office of the State Engineer.

² File No. 48780, official records in the office of the State Engineer.

IV.

In a letter dated July 24, 1985, the Nevada Department of Wildlife expressed its concerns as to Applications 48779 and 48780. The letter states that a negative impact to the fishery resources of the Carson River would include an increase in water temperature within a five-mile stretch of the river where the reservoirs would be and possible effects on water quality and quantity in Lahontan Reservoir. The letter further states that the applications are vague as to the exact purpose, and therefore, the long-term effects of the stored waters is undeterminable.^{1,2}

FINDINGS OF FACT

I.

The Alpine Decree establishes and determines direct diversion rights for irrigation and other uses upstream from and including the Newlands Project and declares the Carson River and its tributaries to be fully appropriated.³ The State Engineer finds there is no unappropriated water on the Carson River.

CONCLUSIONS

I.

The State Engineer has jurisdiction over the parties and the subject matter of this action and determination.⁴

II.

The State Engineer is prohibited by law from granting an application to appropriate the public waters where:⁴

- A. there is no unappropriated water at the proposed source;
- B. the proposed use conflicts with existing rights;
- C. the proposed use conflicts with protectible interests in existing domestic wells as set forth in NRS §533.024; or
- D. the proposed use threatens to prove detrimental to the public interest.

³ See Final Decree, U.S. v. Alpine Land & Reservoir Company, Civil No. D-183, (D. Nev. 1980) Finding of Fact II.

⁴ NRS chapter 533.

III.

The State Engineer concludes that the waters of the Carson River are fully appropriated.

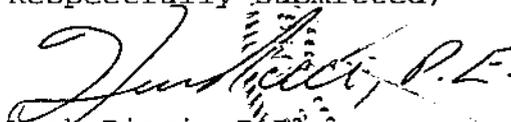
IV.

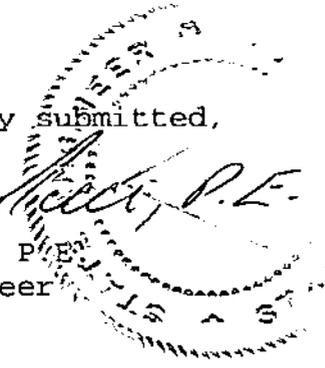
The State Engineer concludes that approval of additional appropriations of Carson River water, as proposed under Applications 48779 and 48780, would conflict with existing rights, and therefore, threaten to prove detrimental to the public interest.

RULING

Applications 48779 and 48780 are hereby denied on the grounds that the Carson River above Lahontan Dam is fully appropriated for direct diversions and the granting thereof would impair the value of existing rights and threaten to prove detrimental to the public interest.

Respectfully submitted,


Hugh Ricci, P.E.
State Engineer



HR/PFS/dl

Dated this 4th day of
September, 2001.