

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

IN THE MATTER OF APPLICATION )  
71460 FILED TO APPROPRIATE )  
THE PUBLIC WATERS OF UNNAMED )  
SPRINGS WITHIN THE LAKE TAHOE )  
HYDROGRAPHIC BASIN (090), )  
DOUGLAS COUNTY, NEVADA. )

RULING

# 5592

GENERAL

I.

Application 71460 was filed on July 16, 2004, by Pinerock, LLC, to appropriate 0.045 cubic feet per second (cfs) of water from unnamed springs for domestic and recreational purposes within a portion of the SE $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 34, T.14N., R.18E., M.D.B.&M. The proposed point of diversion is described as being located within the SE $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 34, T.14N., R.18E., M.D.B.&M.<sup>1</sup>

FINDINGS OF FACT

I.

Application 20837 was filed on November 8, 1962, by Robert A. Allen to appropriate 0.5 cfs of water from Cedar Spring for domestic purposes within a portion of lot 4 of Section 34, T.14N., R.18E., M.D.B.&M. The proposed point of diversion was described as being located within lot 4 (SE $\frac{1}{4}$  SW $\frac{1}{4}$ ) of Section 34, T.14N., R.18E., M.D.B.&M.<sup>2</sup> State Engineer's Ruling No. 941, issued on December 16, 1966, denied Application 20837 on the grounds that the proposed appropriation would interfere with existing prior rights on Beatty Spring and would be detrimental to the public welfare.<sup>3</sup>

Beatty Spring is a spring located approximately 50 feet south of Cedar Spring, and is the source of water for two certificated water rights.

<sup>1</sup> File No. 71460, official records of the Office of the State Engineer.

<sup>2</sup> File No. 20837, official records of the Office of the State Engineer.

<sup>3</sup> State Engineer's Ruling No. 941, official records in the Office of the State Engineer.

**II.**

By comparing the description of the proposed points of diversion of Applications 20837 and 71460, the illustration on the supporting maps filed under said applications, and during a field investigation conducted by personnel from the Office of the State Engineer at the spring site on April 14, 2005, it appears that the unnamed springs identified as the proposed point of diversion under Application 71460, is in fact, the same source identified as Cedar Spring described as the proposed point of diversion under Application 20837.

The State Engineer finds that the unnamed springs identified as the proposed point of diversion under Application 71460, and Cedar Spring described as the proposed point of diversion under Application 20837, are one and the same.

**CONCLUSIONS**

**I.**

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

**II.**

The State Engineer is prohibited by law from granting a permit under an application to appropriate the public waters where:<sup>5</sup>

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

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<sup>4</sup> NRS chapter 533.

<sup>5</sup> NRS § 533.370(4).

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**III.**

The State Engineer concludes that a previous application to appropriate water from the same source as identified under Application 71460 has been denied, and use of the water as proposed under the application would interfere with existing rights.

**RULING**

Application 71460 is hereby denied on the grounds that use of water as proposed under the application would interfere with existing rights and thereby would threaten to prove detrimental to the public interest.

Respectfully submitted,



HUGH RICCI, P.E.  
State Engineer

HR/KE/jm

Dated this 14th day of

March, 2006.