

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

IN THE MATTER OF APPLICATION 77647)
FILED TO APPROPRIATE THE PUBLIC)
WATERS OF AN UN-NAMED SPRING,)
WITHIN THE TRUCKEE MEADOWS)
SEGMENT HYDROGRAPHIC BASIN (87),)
WASHOE COUNTY, NEVADA.)

RULING
#6036

GENERAL

I.

Application 77647 was filed on November 26, 2008, by Michael and Joy Lyn Hansen to appropriate .07 cubic feet per second, not to exceed 50.68 acre-feet annually, of water from an unnamed spring for recreational purposes within the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 20, T.19N., R.19E., M.D.B.&M., being further described as Washoe County Assessor's Parcel 009-120-15. The proposed point of diversion is described as being located within the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 20, T.19N., R.19E., M.D.B.&M.¹

II.

Application 77647 was timely protested by Truckee Meadows Water Authority on the following grounds:¹

- (1) There is no unappropriated water on the proposed source of supply as a result of State Engineer Ruling No. 4683.
- (2) The proposed use conflicts with existing water rights, including those granted in State Engineer Ruling No. 4683 and with other Truckee River water rights, in that it seeks to appropriate water which should be allowed to return to the Truckee River.
- (3) The proposed use threatens to prove detrimental to the public interest in that it is inconsistent with the Truckee River Operating Agreement, and if granted, it will prevent implementation of that Agreement and the benefits to the public which are dependent on that Agreement entering into effect.

¹ File No. 77647, official records in the Office of the State Engineer.

FINDINGS OF FACT

I.

Staff from the Office of the State Engineer conducted an informal field investigation on October 2, 2009, revealing that:²

1. The spring source is incapable of providing the volume of water requested under Application 77647.
2. The spring is located adjacent and down gradient from unlined sections of the Steamboat Ditch and without the diversion of water from the Steamboat Ditch with which the waters of the subject spring are commingled, the water would not reach the proposed place of use.
3. The source is tributary to Alum Creek and falls under the same criteria described in State Engineer's Ruling No. 4095. Ultimately, Alum Creek flows to the Truckee River and therefore is a tributary to a decreed water source.

The State Engineer finds that the evidence from the field investigation reflected that the flow from the spring under Application 77647 eventually discharges into the Truckee River and the flow from the spring increases with the passage of water through the Steamboat Irrigation Ditch down through the pond and meandering creek area, and is the source of Truckee River Claims 150 and 151. The State Engineer finds there is no unappropriated water on the source and approval of the application would impair the value of existing decreed rights to the source.

CONCLUSIONS

I.

The State Engineer has jurisdiction over the subject matter of this determination.³

II.

The State Engineer is prohibited by law from granting a permit for an application to change the public waters where:⁴

- 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.

² Informal Field Investigation No.1122, dated November 3, 2009, official records in the Office of the State Engineer.

³ NRS Chapter 533.

⁴ NRS § 533.370(5).

III.

The State Engineer concludes that the water applied for under Application 77647 is tributary to the Truckee River and the approval of this application would impair the value of existing decreed rights to the source.

RULING

Application 77647 is hereby denied on the grounds that insufficient water exists at the source, it would impair the value of existing decreed water rights and would threaten to prove detrimental to the public interest.

Respectfully submitted,

K.R. Hensel P.E.

TRACY TAYLOR, P.E.
State Engineer

Dated this 24th day of

March, 2010