

IN THE MATTER OF APPLICATION NO.)
8294 FILED BY THE GLENBROOK CO. }
TO APPROPRIATE WATER FROM }
SPOONERS MEADOW RESERVOIR IN }
DOUGLAS COUNTY, NEVADA }

R U L I N G

GENERAL:

Application 8294 was filed on August 15, 1927, to appropriate ten second-feet of water from Spooners Meadow Reservoir for irrigation and domestic purposes. The point of diversion is described as within the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 1, T. 14N., R. 18E., M.D.B.&M.

A protest to the granting of this application was filed January 25, 1928, by Clara J. and Charles Fulstone. The protest holds in principal that the proposed source of diversion is not a natural stream, creek or body of water, but an artificial reservoir created, constructed and owned by the protestants and beneficially used by the protestants. The protest further held that the applicant has no right-of-way, privilege or permit in the reservoir owned, controlled, and used by the protestants.

A judgment and decree has been entered by the District Court of the United States of America in and for the District of Nevada dated July 2, 1930. Paragraph II of this decree relating to Secret Harbor Creek gives Charles L. Fulstone and Clara J. Fulstone the right to one-half the flow of Secret Harbor Creek (sometimes known as Nye Creek and sometimes known as Bliss Creek) for direct use and/or store but not to exceed 15 c.f.s. from October 15, to May 1 for diversion into North Canyon Creek for direct use and/or store the water or any portion in a reservoir in Section 1, T. 14N., R. 18E.

Paragraph VII of the decree relating to North Canyon Creek states that Charles L. Fulstone and Clara J. Fulstone are entitled to and have right to the waters of Secret Harbor Creek as set forth in Paragraph II and also decreed to be the owners of the flow of North Canyon Creek, Spooner Creek, Spooner Springs and each of their tributaries with priority and duty of water for irrigation and other purposes.

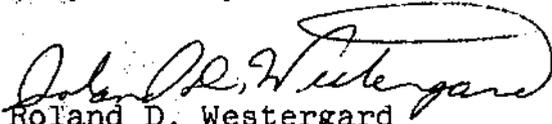
The decree also allows the right to store 750 acre-feet per annum with priority of 1872 from Secret Harbor Creek and North Canyon Creek and their tributaries and also to store 750 acre-feet of water annually with priority of 1868 from North Canyon Creek and/or Spooner Creek and tributaries arising above the reservoir located in Section 1, T. 14N., R. 18E., with the right to use the said stored water for any and all purposes enumerated and any other beneficial use.

Paragraph VIII of the decree relating to North Canyon Creek states that the Glenbrook Company has the right to use and or impound all the waters of North Canyon Creek and tributaries arising below the weir above the intake of Upper Pray Ditch in the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 35, T. 15N., R. 18E., and below the point where Charles L. Fulstone and Clara J. Fulstone return their waste waters from irrigation, etc., and after all the rights of Charles L. Fulstone and Clara J. Fulstone including storage and reservoir rights have been fully satisfied.

RULING

The protest to the granting of Application 8294 is herewith upheld and Application 8294 is denied on the grounds that the proposed source is not a natural stream, lake or water course. The rights to the water which would be naturally or artificially tributary upstream from the proposed point of diversion have been determined as set forth in the decree dated July 2, 1930, in the District Court of the United States of America in and for the District of Nevada and the granting of this application would conflict with these existing rights and would be detrimental to the public welfare.

Respectfully Submitted,


Roland D. Westergard
Assistant State Engineer

RDW:WJN:jb

Dated This 14th Day

of March, 1967.