

IN THE MATTER OF APPLICATIONS)
26236, 26237, 26238, AND 26270)
FILED FOR THE WATERS OF UNNAMED)
SPRINGS WITHIN THE THOMAS CREEK)
DRAINAGE AREA WASHOE COUNTY,)
NEVADA.)

R U L I N G

GENERAL:

Applications 26236, 26237, and 26238 were filed on July 29, 1971; and Application 26270 was filed on August 25, 1971 by Merle and Marlene Winburn.

Application 26236 was filed for 0.5 c.f.s. of the waters of an unnamed spring, located within the NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 30, T. 18 N., R. 19 E., M.D.B.&M.

Application 26237 was filed for 0.5 c.f.s. of the waters of an unnamed spring, located within the NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 30, T. 18 N., R. 19 E., M.D.B.&M.

Application 26238 was filed for 0.5 c.f.s. of the waters of an unnamed spring, located within the NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 30, T. 18 N., R. 19 E., M.D.B.&M.

Application 26270 was filed for 1.0 c.f.s. of the waters of unnamed springs, located within the NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 30, T. 18 N., R. 19 E., M.D.B.&M.

The waters under all of these applications are to be co-mingled and used for quasi-municipal and domestic purposes within the N $\frac{1}{2}$ NE $\frac{1}{4}$ Section 30, T. 18 N., R. 19 E., M.D.B.&M. The applicant proposes to serve thirty 2 $\frac{1}{2}$ acre lots.

These applications were protested on November 10, 1971 by Elmo Pecetti, acting as agent for Elmo Pecetti, Bud Pecetti, Wilbur D. May, Roy Casazza, Dr. Edward Harsh, and Dr. A. U. Ricciardi on the grounds that the springs in these applications are tributary to Thomas Creek and would divert water from water right owners on Thomas Creek under the Truckee River Decree on downstream users.

An investigation in the matter of these applications was made on May 23, 1972.

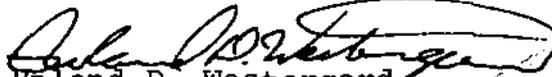
Opinion

It is our opinion that the waters described in the above numbered applications are tributary to Thomas Creek and that the granting of these applications would tend to impair the value of existing rights.

Ruling

Applications 26236, 26237, 26238, and 26270 are hereby denied on the grounds that their granting would tend to impair the value of existing rights. The protest to the granting of these applications is hereby sustained.

Respectfully submitted,


Roland D. Westergard
State Engineer

RDW:TJS:gs

Dated this 6th day
of June, 1972.