

IN THE MATTER OF APPLICATION 46105, )  
47310, 47311 AND 47312 FILED BY )  
MARIA S. QUESADA AND JETT MORA TO )  
APPROPRIATE WATER FROM SPRINGS IN )  
LEMMON VALLEY, WASHOE COUNTY, )  
NEVADA. )

RULING

GENERAL

Application 46105<sup>1</sup> was filed on August 31, 1982, by Maria S. Quesada and Jett Mora to appropriate 1.0 c.f.s. of water from a spring source for quasi-municipal and domestic purposes. The point of diversion is located within the SW1/4 SW1/4 of Section 36, T.21N., R.18E., M.D.B.&M. The place of use is located within the S1/2 SW1/4 of Section 36, T.21N., R.18E., M.D.B.&M.

Applications 47310,<sup>2</sup> 47311<sup>3</sup> and 47312<sup>4</sup> were filed on October 7, 1983, by Maria S. Quesada and Jett Mora to appropriate 0.5 c.f.s. of water from each of three spring sources for quasi-municipal and domestic purposes. The point of diversion for Application 47310 is within the SE1/4 NE1/4 Section 3, T.20N., R.18E., M.D.B.&M.; the point of diversion for Application 47311 is within the SE1/4 NE1/4 Section 14, T.20N., R.18E., M.D.B.&M.; the point of diversion for Application 47312 is within the SE1/4 SW1/4 Section 13, T.20N., R.18E., M.D.B.&M. The place of use for Applications 47310, 47311 and 47312 is within portions of Sections 2, 3, 10, 11, 13 and 14, T.20N., R.18E., M.D.B.&M., and includes the S1/2 SW1/4 of Section 36, T.21N., R.18E., M.D.B.&M.

A field investigation<sup>5</sup> was conducted on April 11, 1984, to verify conditions as proposed under Application 46105. The spring source was measured at 60 gallons per minute where it overflowed from a cement vault into a small pond.

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<sup>1</sup> Application 46105 is a public record on file in the office of the State Engineer.

<sup>2</sup> Application 47310 is a public record on file in the office of the State Engineer.

<sup>3</sup> Application 47311 is a public record on file in the office of the State Engineer.

<sup>4</sup> Application 47312 is a public record on file in the office of the State Engineer.

<sup>5</sup> A copy of the field investigation report is filed with Application 46105, a public record on file in the office of the State Engineer.

On April 26, 1984, water measurements were taken on each of the spring sources designated in Applications 47310, 47311 and 47312.

The surface flow of the spring for Application 47310 measured 6 gallons per minute.

The spring source for Application 47311 was measured at 75 gallons per minute at a temporary weir on the stream.

Tunnel springs, which is the water source for Application 47312, was measured at 25 gallons per minute.

#### FINDINGS OF FACT

##### I.

Application 46105 was filed to appropriate water for 200 single family residences. The amount of water measured was 43% of design flow that would be required for the subdivision of that size.

##### II.

Applications 47310, 47311 and 47312 were filed to appropriate water for 240 trailers with landscaping and for 100 industrial sites. The combined flows of the three springs at the source was 0.236 c.f.s. as measured in April 1984.

##### III.

Existing rights of record in the spring areas identified as the sources of water for Applications 47310, 47311 and 47312 are summarized as follows:

#### Anderson Springs

Permit 7774, Certificate 2123<sup>6</sup>  
Amount - .02 c.f.s.  
Use - Stockwater  
Place of Use - NE1/4 NE1/4 Sec. 14, T.20N.,  
R.18E., M.D.B.&M.  
Owner of Record - Andrew E. Anderson

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<sup>6</sup> Permit 7774, Certificate 2123, is a public record on file in the office of the State Engineer.

Sheep Trough Springs

Permit 7843, Certificate 2125<sup>7</sup>  
Amount - .022 c.f.s.  
Use - Stockwater  
Place of Use - SE1/4 SE1/4 Sec. 3, T.20N.,  
R.18E., M.D.B.&M.  
Owner of Record - Andrew E. Anderson

Unnamed "Anderson Springs"

Permit 7889, Certificate 2127<sup>8</sup>  
Amount - .016 c.f.s.  
Use - Stockwater  
Place of Use - NE1/4 SE1/4 Sec. 18, T.20N.,  
R.18E., M.D.B.&M.  
Owner of Record - Andrew E. Anderson

Tunnel Spring

Permit 7890, Certificate 2128<sup>9</sup>  
Amount - .019 c.f.s.  
Use - Stockwater  
Place of Use - SE1/4 SW1/4 Sec. 13, T.20N.,  
R.18E., M.D.B.&M.  
Owner of Record - Andrew E. Anderson

IV.

The springs identified as the source of water for Applications 46105, 47310, 47311 and 47312 are perennial in nature, however, subject to some variation in flow. At the time of measurement, these springs were expected to be at a high flow rate for the year.<sup>10</sup>

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<sup>7</sup> Permit 7843, Certificate 2125, is a public record on file in the office of the State Engineer.

<sup>8</sup> Permit 7889, Certificate 2127, is a public record on file in the office of the State Engineer.

<sup>9</sup> Permit 7890, Certificate 2128, is a public record on file in the office of the State Engineer.

<sup>10</sup> Water Resources Bulletin No. 42 - "Evaluation of the Water Resources of Lemmon Valley, Washoe County, Nevada, with Emphasis on Effects of Ground Water Development to 1971", is a public record on file in the office of the State Engineer.

CONCLUSIONS

I.

The State Engineer has jurisdiction of the parties and subject matter of these applications.<sup>11</sup>

II.

The State Engineer is prohibited by law from granting a permit where:

1. There is no unappropriated water in the source, or
2. Where its proposed use or change conflicts with existing rights, or
3. Where the proposed use threatens to prove detrimental to the public interest.<sup>12</sup>

III.

The evidence, records and information available indicates that the sources of water proposed for Applications 46105, 47310, 47311 and 47312 would provide insufficient amounts of water for the proposed uses and would interfere with existing stockwater rights of record, namely Certificates 2123, 2125, 2127 and 2128.

RULING

Applications 46105, 477310, 47311 and 47312 are hereby denied on the grounds that the proposed use threatens to prove detrimental to the public interest and that the proposed use conflicts with existing rights located at the proposed points of diversion of Applications 47310, 47311 and 47312.

Respectfully submitted



Peter G. Morros  
State Engineer

PGM/GC/bl

Dated this 13th day of  
JULY, 1984.

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<sup>11</sup> NRS 533.325.

<sup>12</sup> NRS 533.370, subsection 3.