

IN THE OFFICE OF THE STATE ENGINEER

IN THE MATTER OF APPLICATION 35372)
FILED TO APPROPRIATE THE PUBLIC)
WATERS OF A SPRING IN CARSON VALLEY,)
DOUGLAS COUNTY, NEVADA.)

RULING

GENERAL

Application 35372 was filed on May 2, 1978, by Edgar R. and Helen J. Johnson to appropriate 0.1 c.f.s. of water from a spring for commercial and domestic purposes within the SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 15 and the NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 22, T.13N., R.19E., M.D.B.&M. The point of diversion is described as being within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 16, T.13N., R.19E., M.D.B.&M.¹

FINDINGS OF FACTS

I.

The point of diversion falls on land owned either by the United States Forest Service or by Mr. George Hussman.²

II.

The place of use is entirely owned by Walley's Hot Springs Resort.³

CONCLUSIONS

I.

The State Engineer has jurisdiction of the parties and the subject matter of this action and determination.⁴

¹ Public record in the office of the State Engineer.

² Letter dated November 4, 1981 and report of field investigation attached to file 35372.

³ Report of field investigation attached to file 35372.

⁴ NRS 533.375.

II.

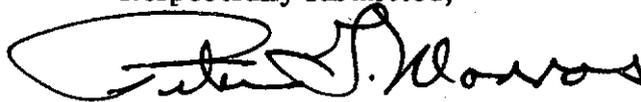
The State Engineer is prohibited by law from granting a permit under an application to appropriate the public waters where:⁵

- A. There is no appropriated water at the proposed source, or
- B. The proposed use conflicts with existing rights, or
- C. The proposed use threatens to prove detrimental to the public interest.

RULING

Pursuant to the foregoing Findings of Fact and Conclusions, Application 35372 is hereby denied on the grounds that the applicant does not have the means to develop the water and place it to beneficial use and the approval of said application would be detrimental to the public welfare.

Respectfully submitted,



PETER G. MORROS
State Engineer

PGM/MT/11

Dated this 22nd day of

February, 1985.

⁵ NRS 533.370 (3).