

IN THE OFFICE OF THE STATE ENGINEER

IN THE MATTER OF APPLICATION 41233)
FILED TO APPROPRIATE THE PUBLIC)
WATERS OF AN UNNAMED SPRING IN THE)
TRUCKEE MEADOWS, WASHOE COUNTY,)
NEVADA.)

RULING

GENERAL

Application 41233 was filed on May 2, 1980, by George I. Benny to appropriate 0.25 c.f.s. of water from an unnamed spring for quasi-municipal and domestic purposes within portions of the SW1/4 NW1/4, SE1/4 NW1/4, NE1/4 SW1/4, NW1/4 SE1/4 Section 13, T.19N., R.18E., M.D.B.&M. The point of diversion is described as being within the SE1/4 NW1/4 Section 13, T.19N., R.18E., M.D.B.&M. Application 41233 was assigned to T.M. Chang, current owner of record, on May 16, 1986.¹

A field investigation was conducted on March 9, 1987, to gather additional information for the State Engineer. It was determined that the spring source under Application 41233 has an estimated flow of 3.0 gallons per minute that seeps from the river bank into the river.¹

FINDINGS OF FACT

I.

The spring source of water under Application 41233 is tributary to the Truckee River, a decreed river system.²

CONCLUSIONS

I.

The State Engineer has jurisdiction of the parties and the subject matter of this action and determination.³

¹ Public record in the office of the State Engineer.

² Final Decree in United States v. Orr Water Ditch Co., et al., Equity A-3 (D. Nev. 1944).

³ NRS 533.325.

II.

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

- A. There is no unappropriated 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.

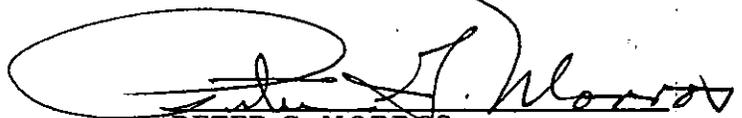
III.

The State Engineer concludes that the source of water under the subject application is tributary to the Truckee River and that the granting of the application would interfere with existing rights.

RULING

Application 41233 is hereby denied on the grounds that approval would interfere with and impair those existing rights set forth in the Truckee River Decree.

Respectfully submitted,



PETER G. MORROS
State Engineer

PGM/GC/bl

Dated this 18th day of
June, 1987.

⁴ NRS 533.370(3).