

**IN THE OFFICE OF THE STATE ENGINEER**

IN THE MATTER OF APPLICATION 42712)  
FILED TO APPROPRIATE THE WATER OF AN)  
UNNAMED SPRING IN WARM SPRINGS)  
VALLEY, WASHOE COUNTY, NEVADA. )

**RULING**

**GENERAL**

Application 42712<sup>1</sup> was filed on October 27, 1980, by Stephen M. Olsen to appropriate 0.1 c.f.s. of water from an unnamed spring for irrigation of twenty five acres of land within portions of the NW1/4, N1/2 SW1/4, SW1/4 SW1/4 Section 2, T.22N., R.21E., M.D.B.&M. The point of diversion is described as being within the NW1/4 SW1/4 Section 2, T.22N., R.21E., M.D.B.&M.

A field investigation was held on March 23, 1988, by division staff to gather additional information for the State Engineer prior to taking action on the above application.

**FINDINGS OF FACT**

I.

Permit 11329<sup>2</sup> was filed on July 12, 1945, by Ira Blundell to appropriate sufficient water for 300 cattle from an unnamed spring located in the NW1/4 SW1/4 Section 2, T.22N., R.21E. Certificate 3027 was issued on February 27, 1947, for .00938 c.f.s. of water. The present owner of record of Certificate 3027 is Pratt Properties, Inc.

II.

A field investigation<sup>3</sup> determined that the spring source for the subject application has an insufficient flow to be measured and is the same source of water for Permit 11329, Certificate 3027.

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<sup>1</sup> Public record in the office of the State Engineer under Application 42712.

<sup>2</sup> Public record in the office of the State Engineer under Permit 11329, Certificate 3027.

<sup>3</sup> The field investigation report is public record filed under Application 42712 in the office of the State Engineer.

III.

The State Engineer finds that there is no unappropriated water at the source and there is sufficient evidence that the granting of the subject application would interfere with existing rights and would not be in the public interest.

CONCLUSIONS

I.

The State Engineer has jurisdiction<sup>4</sup> of the parties and the subject matter of this action.

II.

The State Engineer is prohibited by statute from granting a permit where:<sup>5</sup>

- a) There is no unappropriated water at the source, or
- b) The proposed use or change conflicts with existing rights, or
- c) The proposed use threatens to prove detrimental to the public interest.

III.

Approval of Application 42712 would allow diversion of water at a source which has an existing certified right in excess of the present flow of the spring.

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<sup>4</sup> NRS 533.325.

<sup>5</sup> NRS 533.370 subsection 3.

RULING

Application 42712 is hereby denied on the grounds that it would conflict with and impair existing rights on the source and would be detrimental to the public interest.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Peter G. Morros", enclosed within a large, hand-drawn oval.

Peter G. Morros  
State Engineer

PGM/GC/bk

Dated this 29th day of

June, 1988.