

IN THE OFFICE OF THE STATE ENGINEER

IN THE MATTER OF APPLICATION 52696)
FILED TO CHANGE CERTAIN TRUCKEE)
RIVER DECREED WATER RIGHTS,))
TRUCKEE CANYON SEGMENT, WASHOE)
COUNTY, NEVADA.)

RULING

GENERAL

I.

Application 52696 was filed on November 9, 1988, by Kronish Trust to change the point of diversion and place of use of 203 acre-feet of water as evidenced by Truckee River Claim #724 which decrees the right to use 1.85 c.f.s. from Dog Creek for the irrigation of 49 acres. The application seeks the right to change a portion of the water right to the Truckee River for the irrigation of 45 acres in the SE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 19, T.18N., R.20E., M.D.B.&M. The point of diversion is described as being within the NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 31, T.19N., R.18E., M.D.B.&M. (Steamboat Ditch).¹

II.

The application was advertised for the statutory period and subsequently was protested by the Truckee-Carson Irrigation District on the following grounds:¹

"The change in point of diversion from a tributary stream to the main channel of the Truckee River will tend to consumptively use upstream storage which historically meets downstream rights when the river is on regulation and the tributary stream has ceased to flow.

FINDINGS OF FACT

I.

Dog Creek water rights were adjudicated by the U.S. District Court as being part of the Truckee River system and one of its tributaries.²

¹ Public record in the office of the State Engineer.

² See Final Decree U.S. vs. Orr Water Ditch Company, et al., in Equity, Docket No. A3 September 8, 1944, U.S. District Court District of Nevada.

II.

Claim #724 in the Truckee River Adjudication decrees the right to use Dog Creek water in an amount necessary for good husbandry and irrigation of certain acres within the Dog Creek Drainage.²

III.

Dog Creek rises from springs and snow melt in the Bald Mountain Range and Crystal Peak in the Toiyabe National Forest in California, west of Verdi, Nevada, and has a total drainage area less than twenty square miles.³

IV.

Several small tributary streams come together in Dog Valley, California to form Dog Creek which flows through a narrow canyon for about 3.5 miles before reaching the irrigated acreage adjudicated in the decree.³

V.

Dog Creek has excess water in most years during the period February through May, however, the creek is insufficient to meet demands of decreed rights in most years during July, August and September.⁴

VI.

There is no upstream storage on Dog Creek available to decreed rights to meet deficiencies during periods of low or inadequate flow.

³ U.S.G.S. 15-minute quadrangle entitled "Loyalton Quadrangle".

⁴ Water Resources Information Series, Report #28. Mean monthly flow (c.f.s.) February - 7.94; March - 9.17; April - 16.0; May - 8.24; June - 1.21; July - 0.22; August - 0.18; and September - 0.20.

VII.

The State Engineer finds that to allow the point of diversion under existing decreed rights to be moved from Dog Creek, a tributary to the Truckee River, to the main channel of the river would injure the rights of other decreed users on the stream system.

CONCLUSIONS

I.

The State Engineer has jurisdiction of the parties and the subject matter of this action.⁵

II.

The State Engineer is prohibited by law from granting a permit under an application to appropriate the public waters where:⁶

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

III.

The State Engineer concludes that approval of Application 52696 would interfere with and impair the availability of water to other existing decreed rights on the Truckee River stream system.

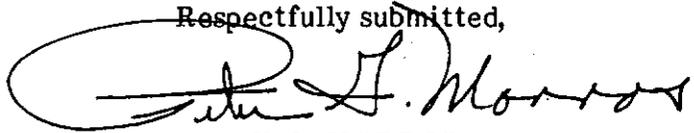
⁵ NRS Chapter 533.

⁶ NRS Chapter 533.370.

RULING

The protest to Application 52696 is hereby upheld and Application 52696 is hereby denied on the grounds that to approve said application would impair and interfere with existing rights on the source.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Peter G. Morros", enclosed within a large, loopy oval flourish.

PETER G. MORROS
State Engineer

PGM/RMT/bk

Dated this 18th day of

April, 1989.