

IN THE OFFICE OF THE STATE ENGINEER

IN THE MATTER OF APPLICATIONS 53147)
AND 53148 FILED TO APPROPRIATE THE)
PUBLIC WATERS OF PRADERE SPRING IN)
WARM SPRINGS VALLEY, WASHOE COUNTY,)
NEVADA.)

RULING

GENERAL

I.

Application 53147¹ was filed on April 18, 1989, by Intermountain Land Co. to appropriate 0.2 c.f.s. of water from Pradere Spring to irrigate 0.6 acres of land within a portion of the SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 27, T.24N., R.20E., M.D.B.&M. The point of diversion is described as being within the SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 27, T.24N., R.20E., M.D.B.&M.

II.

Application 53148¹ was filed on April 18, 1989, by Intermountain Land Co. to appropriate 0.2 c.f.s. of water from Pradere Spring to irrigate 3.3 acres of land within a portion of the SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 27, T.24N., R.20E., M.D.B.&M. The point of diversion is described as being within the SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 27, T.24N., R.20E., M.D.B.&M.

III.

The Final Findings of Fact, Conclusions of Law, Judgment and Decree were entered on March 31, 1988, for the adjudication of the waters of Warm Springs Valley Creek and its tributaries in Washoe County, Nevada.²

FINDINGS OF FACT

I.

Pradere Springs, the source of water for the subject applications is a tributary to

¹ Applications 53147 and 53148 are public records on file in the office of the State Engineer.

² Case No. 83-6641 is a public record on file with the Second Judicial District Court, State of Nevada.

Warm Springs Valley Creek and it is included in the decree of the stream system.³

II.

Warm Springs Valley Creek (aka Winnemucca Valley Creek aka Isaac Mathews Creek) and its tributaries were declared fully appropriated in the Final Findings of Fact, Conclusions of Law, Judgment and Decree.⁴

III.

The State Engineer finds that there is no unappropriated water at the source and that granting of applications 53147 and 53148 would interfere with or impair existing rights and would not be in the public interest.

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 conflicts with existing rights, or
- C. The proposed use threatens to prove detrimental to the public interest.

³ Proof No. 02739 in the Warm Springs Valley Creek Decree is a public record on file under Case No. 83-6641 in the Second Judicial District Court, State of Nevada.

⁴ Findings of Fact XIV Warm Springs Valley Creek Decree Case NO. 83-6641 Second Judicial District Court, State of Nevada.

⁵ NRS 533.325.

⁶ NRS 533.370 Subsection 3.

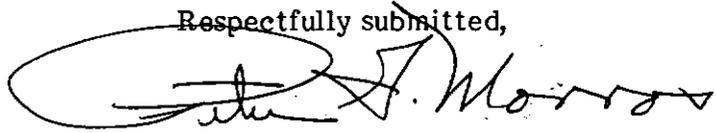
III.

The proposed source of water has been declared fully appropriated under the Warm Springs Valley Decree. Therefore, approval of said applications would interfere with existing rights and would not be in the public interest.

RULING

Applications 53147 and 53148 are hereby denied on the grounds that there is no unappropriated water in the source and the granting thereof would adversely affect existing rights and would be detrimental to the public interest.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Peter G. Morros", is written over a large, hand-drawn oval scribble.

PETER G. MORROS
State Engineer

PGM/bk

Dated this 21st day of

June, 1989.