

IN THE OFFICE OF THE STATE ENGINEER

IN THE MATTER OF APPLICATION )  
52783 FILED TO APPROPRIATE THE )  
PUBLIC WATERS OF AN UNNAMED )  
SPRING LOCATED IN TRUCKEE )  
MEADOWS, STATE OF NEVADA. )

RULING

GENERAL

I.

Application 52783 was filed on December 19, 1988 by Robert M. Lee to appropriate 0.5 c.f.s. of water from unnamed springs and surface drainage for irrigation of 9.86 acres within the W1/2 NE1/4 and NE1/4 NE1/4 of Section 12, T.18N., R.19E., M.D.B.&M. The point of diversion is described as being within the NW1/4 NE1/4 Section 12, T.18N., R.19E., M.D.B.&M.<sup>1</sup>

FINDINGS OF FACT

I.

The source was field examined by a representative of the State Engineer's office on September 20, 1989.<sup>2</sup> The water from the pond flowed into a small irrigation ditch which flowed to a larger drain.

II.

The water course is a tributary to Dry Creek and is the source of water that is the subject of claims in the Truckee River Decree.<sup>3</sup>

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

<sup>2</sup> See report of field investigation dated December 13, 1989, in file 52783, public record in the office of the State Engineer.

<sup>3</sup> See Claims 480-483 in U.S. vs. Orr Water Ditch Company, et. al. in Equity, Docket No. A3, Final Decree; U.S. District Court, District of Nevada, 1944.

CONCLUSION

I.

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

II.

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

- 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.

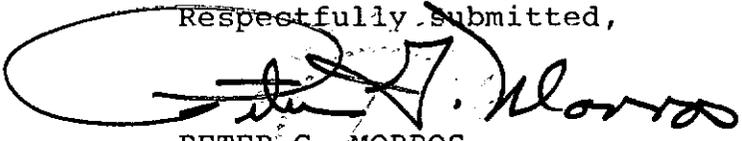
III.

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

RULING

Application 52783 is hereby DENIED on the grounds that the approval of said application would impair the value of existing decreed water rights.

Respectfully submitted,

  
PETER G. MORROS  
State Engineer

PGM/SW/pm

Dated 3rd day of  
January, 1990

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4 NRS Chapter 533.

5 NRS Chapter 533.370.