

IN THE OFFICE OF THE STATE ENGINEER  
OF THE STATE OF NEVADA

IN THE MATTER OF APPLICATION 48496)  
FILED TO CHANGE PLACE OF USE OF A )  
PORTION OF THE WATERS OF THE )  
TRUCKEE RIVER (STEAMBOAT DITCH) )  
HERETOFORE APPROPRIATED UNDER )  
EQUITY, DOCKET NO A-3 (ORR DITCH )  
DECREE) CLAIM NO. 78 IN TRUCKEE )  
CANYON SEGMENT, WASHOE COUNTY, )  
NEVADA. )

RULING  
#3865

GENERAL

I.

Application 48496 was filed on October 17, 1984, by Robert Peterson, Trustee for the Robert Peterson Family Trust to change the place of use of a portion of water from the Truckee River (Steamboat Ditch) heretofore appropriated under Equity Docket No. A-3 (Orr Ditch Decree), Claim No. 78. The proposed point of diversion was described as being the steamboat ditch located within the NW1/4 SE1/4 Section 31, T.19N., R.18E., M.D.B.&M. The proposed place of use was described as being within the SE1/4 SW1/4 and the SW1/4 SW1/4 of Section 12, T.18N., R.19E., M.D.B.&M.<sup>1</sup> The existing place of use was described as being within a portion of the SE1/4 NE1/4 Section 18, T.18N., R.20E., M.D.B.&M.

FINDINGS OF FACT

I.

Application 48496 seeks to transfer the water right appurtenant to 2.021 acres of land within the SE1/4 NE1/4 of Section 18, T.18N., R.20E., M.D.B.&M. by map and deed submitted by the applicant, the land is further described as Parcels A & B as shown on Parcel Map No. 248 recorded April 16, 1976 as Document No. 404601, official records of Washoe County.<sup>1</sup>

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

II.

The State Engineer's Office has compared the boundary line of the irrigated acreage of Claim 78, from the maps drawn in support of Equity Docket No. A-3 (Orr Ditch Decree), and the legal description given in Water Rights Deed #953321 recorded in Washoe County, Nevada. This comparison shows that Parcels A & B are situated on land that was not irrigated by waters of the Truckee River.

CONCLUSIONS

I.

The State Engineer has jurisdiction of the parties and the subject matter of this action.<sup>2</sup>

II.

The State Engineer is prohibited by law from granting a permit under an application to change the public waters where:<sup>3</sup>

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

III.

As Parcels A & B were not irrigated by Claim 78 of the Orr Ditch Decree, no irrigation right is present to be changed by Application 48496.

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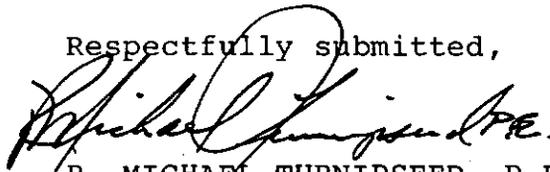
<sup>2</sup> NRS Chapter 533.025, NRS 533.030 and NRS 533.370.

<sup>3</sup> NRS Chapter 533.370(3).

RULING

Application 48496 is hereby denied on the grounds that there is no water right on the land proposed to be changed.

Respectfully submitted,



R. MICHAEL TURNIPSEED, P.E.  
State Engineer

RMT/MR/pm

Date this 13th day of  
January, 1992.