

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

IN THE MATTER OF APPLICATION 46087 )  
FILED TO APPROPRIATE THE PUBLIC WATERS )  
OF FLORENCE SPRING LOCATED WITHIN THE )  
TRUCKEE CANYON SEGMENT, WASHOE COUNTY, )  
NEVADA. )

RULING  
**# 3906**

GENERAL

I.

Application 46087 was filed on August 23, 1982, by Florence R. Marsh to appropriate 0.15 c.f.s. of water from Florence Spring to irrigate 24.06 acres within a portion of the NE $\frac{1}{4}$  Section 18, T.19N., R.18E., M.D.B.&M. The point of diversion is described as being located within the NE $\frac{1}{4}$  NE $\frac{1}{4}$  Section 18, T.19N., R.18E., M.D.B.&M.<sup>1</sup>

FINDINGS OF FACT

I.

A field investigation conducted on October 6, 1992, revealed that Florence Spring is tributary to the Truckee River when it is flowing.

The investigation also revealed that the spring is likely to receive water from the pond that shares the same alluvial embankment. The pond was completely dry at the time of the investigation.<sup>1</sup>

II.

The water from Florence Spring is tributary to the Truckee River which is subject to the claims within the Truckee River Decree.<sup>2</sup>

---

<sup>1</sup>Public record in the Office of the State Engineer filed under Application 46087.

<sup>2</sup>U.S. vs. Orr Water Ditch Co., et al. in Equity, Docket No. A3, Final Decree; U.S. District Court, District of Nevada, 1944.

CONCLUSIONS

I.

The State Engineer has jurisdiction of the parties and the subject matter of this action.<sup>3</sup>

II.

The State Engineer is prohibited by law from granting a permit under an application to appropriate the public waters where:<sup>4</sup>

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

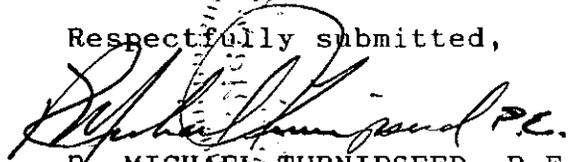
III.

The State Engineer finds that to approve this application would impair the value of existing decreed rights in the Truckee River.

RULING

Application 46087 is hereby denied on the grounds that the approval of said application would impair the value of existing decreed water rights.

Respectfully submitted,

  
B. MICHAEL TURNIPSEED, P.E.  
State Engineer

RMT/SW/bk

Dated this 5th day of  
November, 1992.

<sup>3</sup>NRS Chapter 533.

<sup>4</sup>NRS Chapter 533.370.