

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

IN THE MATTER OF APPLICATIONS 50927,)
50928 AND 50929 FILED TO APPROPRIATE)
THE WATERS OF THREE UNNAMED SPRINGS)
ALL LOCATED WITHIN WARM SPRINGS)
VALLEY, WASHOE COUNTY, NEVADA.)

RULING
4110

GENERAL

I.

Application 50927 was filed on May 13, 1987, by W. Vernon Bolt, Jr. and Alamae D. Bolt to appropriate 0.2 c.f.s. of water from an unnamed spring (Bolt #2) for irrigation and domestic purposes on 5 acres of land located within the NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 2, T.21N., R.22E., M.D.B.&M. The point of diversion is described as being located within the NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 2, T.21N., R.22E., M.D.B.&M.¹

II.

Application 50928 was filed on May 13, 1987, by Home Canyon Enterprises to appropriate 0.1 c.f.s. of water from an unnamed spring (Katie) for irrigation and domestic purposes on 5 acres of land located within the NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 2, T.21N., R.22E., M.D.B.&M. The point of diversion is described as being located within the SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 2, T.21N., R.22E., M.D.B.&M.²

III.

Application 50929 was filed on May 13, 1987, by Home Canyon Enterprises to appropriate 0.3 c.f.s. of water from an unnamed spring (Karl) for irrigation and domestic purposes within the NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 2, located within T.21N., R.22E., M.D.B.&M. The point of diversion is described as being located within the SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 2, T.21N., R.22E., M.D.B.&M.³

¹ File 50927, public record in the Office of the State Engineer.

² File 50928, public record in the Office of the State Engineer.

³ File 50929, public record in the Office of the State Engineer.

IV.

Proof of Appropriation No. 02333 for the waters of Home Ranch Creek and tributaries was filed on July 29, 1946, by James E. Stead, and is currently assigned to Pratt Properties, Inc., claiming a priority date prior to 1882 for irrigation of 62.28 acres of land located within the NE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$ and SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 3, and SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$ and NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 4, and NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 5 all located within T.21N., R.22E., M.D.B.&M., from January 1 to December 31 of each year. The point of diversion is described as springs located within the SE $\frac{1}{4}$ NW $\frac{1}{4}$ and NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 3, T.21N., R.22E., M.D.B.&M. Additional springs also arise within the irrigated meadows located within Home Ranch Canyon.⁴

V.

Certificate No. 3664 was issued under Permit 11654 on July 19, 1951, with a priority date of July 27, 1946, to James E. Stead and later assigned to Pratt Properties, Inc. to store 360 acre-feet per annum for irrigation of 60.09 acres of land located in Home Ranch Canyon being within the N $\frac{1}{2}$ SW $\frac{1}{4}$ and SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 3, NE $\frac{1}{4}$ and N $\frac{1}{2}$ NW $\frac{1}{4}$ of Section 4 and NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 5 all located within T.21N., R.22E., M.D.B.&M. The point of diversion is described as Twin Springs Creek Storage Reservoir being located within the NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 3, T.21N., R.22E., M.D.B.&M.⁵

IV.

On July 7, 1988, W. Vernon Bolt, Jr. and Alamae D. Bolt were ordered to cease and desist the diversion of the water of Quaking Aspen Spring, which is a tributary to Home Ranch Creek.⁶

⁴ Proof 02333, public record in the Office of the State Engineer.

⁵ File 11654, public record in the Office of the State Engineer.

⁶ State Engineer's Order No. 979, dated July 7, 1988.

FINDINGS OF FACT

I.

During a field investigation on April 6, and 13, 1988, it was determined that the waters from the springs which are the sources of water under Applications 50927, 50928 and 50929, are tributary to waters already appropriated under Permit 11654, Certificate 3664 and Proof of Appropriation 02333.⁷ The diversion rate of water already appropriated is 1.0 cubic feet per second (cfs).⁴ At the time of the field investigation, the flow of water in Home Ranch Creek was estimated at 0.1 to 0.5 cfs.⁷ The State Engineer finds that there is no unappropriated water on the proposed sources under Application 50927, 50928 and 50929.

II.

During said field investigation, it was determined that the diversions of waters upstream from Home Ranch Creek were interfering with rights of the downstream users.⁷ The State Engineer finds that the proposed diversion of water under Applications 50927, 50928 and 50929 would conflict with existing rights.

CONCLUSIONS

I.

The State Engineer has jurisdiction in this matter⁸ under provisions of NRS 533.325 and NRS 533.435.

II.

The State Engineer is prohibited by law from granting a permit under an application to appropriate the public waters where:⁹

- 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.

⁷ Report of Field Investigation, dated June 21, 1988.

⁸ NRS 533.

⁹ NRS 533.370.

III.

The State Engineer concludes that there is no unappropriated water available from Home Ranch Canyon and its tributaries and that any additional appropriations would conflict with the existing rights of the downstream appropriators.

IV.

The State Engineer concludes that approval of Applications 50927, 50928 and 50929 would prove detrimental to the public interest.

RULING

Applications 50927, 50928 and 50929 are herewith denied on the grounds that there is no unappropriated water at the proposed source, they would conflict with existing rights, and it would be detrimental to the public interest to grant additional rights on Home Ranch Canyon Creek and tributaries.

Respectfully submitted,


R. MICHAEL TURNIPSEED, P.E.
State Engineer

RMT/SW/pm

Dated this 18th day of
April, 1994.