

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

IN THE MATTER OF APPLICATION 44171 FILED )  
TO APPROPRIATE THE PUBLIC WATERS OF ROCKY )  
CANYON CREEK WITHIN THE EDWARDS CREEK )  
VALLEY GROUNDWATER BASIN (133), WASHOE )  
COUNTY, NEVADA. )

RULING

# 4298

GENERAL

I.

Application 44171 was filed July 17, 1981, by the Alpine Ranching Co., to appropriate 2.0 cubic feet per second of water from the Rocky Canyon Creek for irrigation and domestic purposes within Lots 3, 4, 6 and 7; the S $\frac{1}{2}$ NW $\frac{1}{4}$ , and the W $\frac{1}{2}$ SW $\frac{1}{4}$  of Section 4, T.20N., R.38E., M.D.B.&M.<sup>1</sup> The point of diversion is described as being located within the NE $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 29, T.21N., R.38E., M.D.B.&M. Application 44171 became ready for action by the State Engineer on December 17, 1981.<sup>1</sup>

FINDINGS OF FACT

I.

Records and information available to the State Engineer indicate that Application 44171 was filed in support of a Desert Land Entry Application.<sup>1</sup> By letter dated June 13, 1991, the United States Department of the Interior, Bureau of Land Management, notified the State Engineer that the lands the applicant petitioned/applied to be classified for agricultural purposes under the Desert Land Act were not identified as suitable for that purpose under the Lahontan Resource Management Plan. As the use of the land proposed by the applicant was not in conformance with the existing land use plan, the Bureau of Land Management returned the applicant's petition/application to it. The State Engineer finds that the applicant is unable to place the water applied for to beneficial use as proposed in Application 44171.

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<sup>1</sup> File No. 44171, official records of the Office of the State Engineer.

CONCLUSIONS

I.

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

II.

The State Engineer is prohibited by law from granting a permit where:

1. There is no unappropriated water at the proposed source, or
2. The proposed use conflicts with existing rights, or
3. The proposed use threatens to prove detrimental to the public interest.<sup>3</sup>

III.

The State Engineer concludes the applicant does not own or control the land identified as the place of use under Application 44171, and to grant an application to appropriate the public water for irrigation on lands the applicant does not own or control, or where the applicant cannot demonstrate the ability to place the water to beneficial use, would not be in the public interest.

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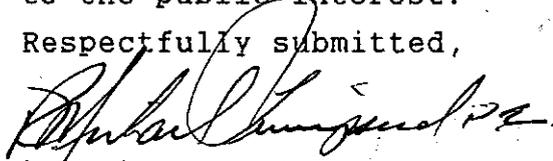
<sup>2</sup> NRS Chapters 533 and 534

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

RULING

Application 44171 is hereby denied on the grounds that to grant an application for irrigation purposes on lands the applicant does not own or control and on which the applicant cannot demonstrate the ability to place the water to beneficial use would threaten to prove detrimental to the public interest.

Respectfully submitted,



R. MICHAEL TURNIPSEED, P.E.  
State Engineer

RMT/BEM/ab

Dated this 6th day of  
February, 1996.