

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

IN THE MATTER OF APPLICATION 9322)
FILED TO APPROPRIATE THE PUBLIC)
WATERS OF THE CARSON RIVER AND)
TRIBUTARIES WITHIN THE CHURCHILL)
VALLEY HYDROGRAPHIC BASIN (102),)
CHURCHILL COUNTY, NEVADA.)

RULING
6034

GENERAL

I.

On August 23, 1930, the Truckee-Carson Irrigation District filed Application 9322 to appropriate 10,000 cubic feet per second or 100,000 acre-feet per annum of surface water from the Carson River and its tributaries for irrigation and domestic purposes. The proposed point of diversion is described as being located within the SW $\frac{1}{4}$ SE $\frac{1}{4}$ and SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 33, T.19N., R.26E., M.D.B.&M. The proposed place of use is described as being 150,000 acres within T.21N., R.29, 30, 31E.; T.20N., R.28, 29, 30, 31E.; T.19N., R.27, 28, 29, 30, 31E.; T.18N., R.27, 28, 29, 30E.; T.17N., R.28, 29, 30E., M.D.B.&M.¹

II.

Application 9322 was timely protested by Irrigation District No. 1 Carson Valley Unit, et al., on grounds not considered in this ruling.¹

FINDINGS OF FACT

I.

The *Alpine* Decree establishes and determines direct diversion rights for irrigation and other uses upstream from and including the Newlands Project and declares the Carson River and its tributaries to be fully appropriated.² The State Engineer finds there is no unappropriated water in the Carson River.

¹ File No. 9322, official records in the Office of the State Engineer.

² Finding of Fact II, Final Decree in *United States v. Alpine Land & Reservoir Co.*, Civil No. D-183 BRT (D. Nevada 1980).

CONCLUSIONS

I.

The State Engineer has jurisdiction over the parties and the subject matter of this action and determination.³

II.

The State Engineer is prohibited by law from granting an application to appropriate the public waters where:⁴

- A. there is no unappropriated water at the proposed source;
- B. the proposed use or change conflicts with existing rights;
- C. the proposed use or change conflicts with protectible interests in existing domestic wells as set forth in NRS § 533.024; or
- D. the proposed use or change threatens to prove detrimental to the public interest.

III.

The State Engineer concludes that the waters of the Carson River are fully appropriated.

IV.

The State Engineer concludes that the approval of additional appropriations of Carson River water, as proposed under Application 9322, would conflict with existing rights and threaten to prove detrimental to the public interest.

RULING

Application 9322 is hereby denied on the grounds that the Carson River is fully appropriated and there is no water available for appropriation and the granting thereof would impair the value of existing rights and threaten to prove detrimental to the public interest. No ruling is made on the merits of the protest.

Respectfully submitted,


TRACY TAYLOR, P.E.
State Engineer

Dated this 19th day of

March, 2010.

³ NRS Chapter 533.

⁴ NRS § 533.370(5).