

IN THE MATTER OF APPLICATIONS 23379, )  
23380, 23381, 23382, AND 23383, )  
FILED ON SEPTEMBER 9, 1966, BY )  
WILLIAM SHAY TO APPROPRIATE WATER )  
FROM THREE UNNAMED SPRINGS AND )  
FROM TWO UNDERGROUND SOURCES FOR )  
IRRIGATION AND DOMESTIC USE IN )  
TRUCKEE MEADOWS, WASHOE COUNTY, )  
NEVADA. )

R U L I N G

GENERAL:

87  
Applications 23379, 23381, and 23383 were filed on September 9, 1966, by William Shay, to appropriate surface waters. Each application was for 1.0 c.f.s. for domestic use and also to irrigate 30 acres from three separate springs, the springs and place of use situated within the NE $\frac{1}{4}$ SW $\frac{1}{4}$  and SE $\frac{1}{4}$ SW $\frac{1}{4}$  Section 12, T. 18 N., R. 19 E., M.D.B.&M. The period of use is from January 1 to December 31 of each year.

Applications 23380 and 23382 were filed on September 9, 1966, by William Shay, to appropriate underground waters. Each application was for 1.0 c.f.s. for domestic use and also to irrigate 30 acres from an underground source, the source and place of use situated within the NE $\frac{1}{4}$ SW $\frac{1}{4}$  and SE $\frac{1}{4}$ SW $\frac{1}{4}$  Section 12, T. 18 N., R. 19 E., M.D.B. & M. The period of use is from January 1 to December 31 of each year.

Applications 23380, 23381, 23382, and 23383 were protested on February 9, 1967, by Delores M. Burchett for the following reasons and grounds:

"Protestant is the owner of a spring situate in the NE $\frac{1}{4}$  of the SW $\frac{1}{4}$  of Section 12, T. 18 N., R. 19 E., M.D.B.&M. at a point which bears S. 72° 46' W., 2,825.0 feet from the east one quarter section corner of said Section 12 and whose rights therefrom will be materially affected by this application to her detriment."

A field investigation was made of the protested applications on May 17, 1967.

A final decree was entered in the District Court of the United States, in and for the District of Nevada, in Equity, Docket No. A-3, for the waters of the Truckee River and its tributaries. Claim No. 732 of this decree adjudicates the waters from a spring or springs determined to be the same as applied for under Application 23379, to irrigate lands to the north, not owned by Shay. A portion of decreed right 72 A is used on lands owned by Shay. There are no applications on file for any of the three springs filed on by Shay.

There are no filings for underground water, for other than domestic use, within  $\frac{1}{4}$  mile of the proposed well sites for Applications 23380 and 23382.

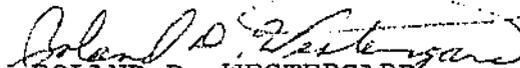
RULING

Application 23379 (Shay Spring #4) is denied on the grounds that water from this spring has been adjudicated in the Truckee River Decree, the place of use being lands not controlled by the applicant, and the granting of Application 23379 would, therefore, adversely affect existing rights.

The protests to the granting of Applications 23381 and 23383 are herewith overruled and Permits will be issued upon receipt of the statutory Permit fees. The Permits will be issued subject to all existing rights on the source.

Due to the limited distance between the spring (Shay Spring #4) and the wells under Applications 23380 and 23382, in our opinion the developing of well water in quantities necessary for irrigation purposes would adversely affect existing rights on the spring. Permits will be issued under Applications 23380 and 23382 and will be restricted to domestic use only with no right to appropriate water for irrigation under these Permits.

Respectfully submitted,

  
ROLAND D. WESTERGARD  
State Engineer

RDW:SH:jw

Dated this 17th day

of January, 1968