

IN THE MATTER OF APPLICATION)  
29937 TO APPROPRIATE WATER )  R U L I N G  
FROM DEVELOPED SPRINGS IN )  
DOUGLAS COUNTY, NEVADA. )

GENERAL:

Application 29937 was filed by Arnold R. Trimmer and Annie I. Trimmer on January 23, 1976. The application seeks 1.5 c.f.s. for irrigation and domestic purposes from Developed Springs at a point located in the NW $\frac{1}{4}$  NE $\frac{1}{4}$  Section 15, T.13N., R.19E., M.D.B.&M. The proposed place of use is 115.5 acres in the S $\frac{1}{2}$  NE $\frac{1}{4}$ , SE $\frac{1}{4}$  Section 10, NE $\frac{1}{4}$  NW $\frac{1}{4}$  and NW $\frac{1}{4}$  NE $\frac{1}{4}$  Section 15, T.13N., R.19E., M.D.B.&M.

The topographic maps of the U. S. Geological Survey depict a complex system of diversions, irrigation ditches and drainage ditches which convey most of the undiverted and return waters from the Carson River to a swamp area surrounding Walley's Hot Springs in Section 22, T.13N., R.19E., M.D.B.&M. The waters are there reunited and conveyed by Walley's Channel (aka Brockliss Slough - West Channel) to the main stem of the Carson River, two miles north of the hot spring area.

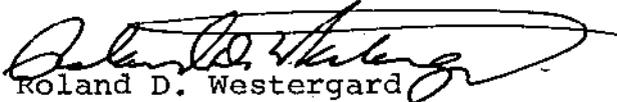
Application 29937 states that the source of the water applied for is from numerous springs that have been developed by the excavation of a trench or "pond." This "pond" is presently 1750 feet long, 30 feet wide and approximately 10 to 15 feet deep and is oriented along an east west line and located approximately 3/4 mile north of Walley's Hot Springs in the NE $\frac{1}{4}$  NW $\frac{1}{4}$  and NW $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 15, T.13N., R.19E., M.D.B.&M.

A field inspection made January 25, 1977, disclosed that the proposed point of diversion of Application 29937 is located at the eastern end of the excavation or "pond," immediately adjacent to Walley's Channel, with a 20 foot wide unexcavated bank separating them. The water level in the "pond" and Walley's Channel being the same, approximately 5 or 6 feet below ground level. Application 29938, filed by the same applicant, to change the point of diversion of Certificate 771 from a point in the marsh area north of Walley's Hot Springs, to a point at the end of the "pond" 1700 feet west of the point of diversion of Application 29937, lists the source as Walley's Channel. We are of the same opinion, that the main source of water in the "pond" is from Walley's Channel and as such is tributary to the Carson River. The River is presently subject to the Restraining Order and Proposed Findings of Fact, Conclusions of Law and Decree, United States of America v. Alpine Land and Reservoir Co. et. al. No. D-183.

RULING

The main source of water for Application 29937 is Walley's Channel, a tributary of the Carson River. Application 29937 is hereby denied on the grounds that it would conflict with and impair the value of existing rights and would be detrimental to the public interest.

Respectfully submitted,

  
Roland D. Westergard  
State Engineer

RDW:TFH:jw

Dated this 22nd day of  
March, 1977.