

IN THE MATTER OF APPLICATIONS 34707,)
34708 AND 34709 FILED ON DECEMBER 7,)
1977, BY PACIFIC WEST FINANCIAL COR-)
PORATION FOR PERMISSION TO APPRO- )
PRIATE WATER FROM SPRINGS NOS. 1, 2 )
AND 3, RESPECTIVELY, IN CHURCHILL )
COUNTY, NEVADA )

R U L I N G

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Application 34707 was filed by Pacific West Financial Corporation on December 7, 1977 for permission to appropriate 0.25 c.f.s. of water from Spring No. 1 for commercial and domestic purposes. The point of diversion is within the NE 1/4 NW 1/4 Section 3, T.18N., R.26E., M.D.B. & M. The proposed place of use is within the NE 1/4, N 1/2 NW 1/4 and E 1/2 SE 1/4 of said Section 3. The period of use is from January 1st through December 31st of each year.

Application 34708 was filed by Pacific West Financial Corporation on December 7, 1977 for permission to appropriate 0.25 c.f.s. of water from Spring No. 2 for irrigation and domestic purposes. The point of diversion is located within the NW 1/4 NE 1/4 Section 3, T.18N., R.26E., M.D.B. & M. The proposed place of use is 80 acres within the NE 1/4 of said Section 3. The period of use is from January 1st through December 31st of each year.

Application 34709 was filed by Pacific West Financial Corporation on December 7, 1977 for permission to appropriate 0.25 c.f.s. of water from Spring No. 3 for irrigation and domestic purposes. The point of diversion is located within the NE 1/4 NE 1/4 Section 3, T.18N., R.26E., M.D.B. & M. The proposed place of use is 80 acres within the NE 1/4 of said Section 3. The period of use is from January 1st through December 31st of each year.

Each of the above applications was timely protested by the Truckee-Carson Irrigation District (T.C.I.D.) on identical grounds, as follows:

- "1. That the waters herein sought to be appropriated have heretofore been appropriated for use for beneficial purposes within the Newlands Project."
"2. That said waters herein sought to be appropriated are necessary for the uses of the Newlands Project for the irrigation of land and the acquisition of additional pasture lands within said project."
"3. The said waters herein sought to be appropriated, would, if allowed to be appropriated, have an adverse effect upon the surface water supply and upon the shallow underground water supply within the boundaries of the Truckee-Carson Irrigation District."

"4. That said water herein sought to be appropriated from underground sources go to make up return flow which is used for irrigation of other lands."

The protestant requests that the applications be denied. 1/

#### EXISTING RIGHTS

There are no existing permitted or certificated rights for the appropriation of water from Spring No. 1, Spring No. 2 or Spring No. 3 as described in Applications 34707, 34708 and 34709, respectively. 2/

At a field investigation held by representatives of the State Engineer's office on October 8, 1980, it was determined that the subject springs are seeping from the ground at an elevation higher than the Carson River. An absolute determination of the source of supply for the springs could not be made.

Use of water coming to the surface at a ground elevation higher than the Carson River would not affect the flow in the river since there was no evidence that the flow of the springs was tributary.

No evidence was submitted to indicate that the flow from the subject springs reaches the Carson River. Since the river level is lower than the Springs it appears that the source of water for the Springs is blocked from reaching the river.

The water sought to be appropriated by the subject applications will not be diverted from underground sources by means of wells.

#### FINDINGS OF FACT

##### I

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

##### II

The State Engineer is required by statute to approve all applications which contemplate the application of water to beneficial use which do not tend to impair the value of existing rights, or to be otherwise detrimental to the public interest. 4/

##### III

There are no prior rights of record on the source in the office of the State Engineer. 2/

RULING

The protest against Applications 34707, 34708 and 34709 is overruled on the grounds that there is unappropriated water in the source and permits will be issued upon payment of the statutorily required permit fees.

Respectfully submitted,



Peter G. Morros  
State Engineer

PGM/LCR/dh

Dated this 3rd day of

September, 1981.

FOOTNOTES

1. Public Records available in the office of the State Engineer.
2. Public Records available in the office of the State Engineer.
3. NRS 533.030.
4. NRS 533.370(1).

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 11/19/01 BY 60322 UC/BAW