

IN THE OFFICE OF THE STATE ENGINEER

IN THE MATTER OF APPLICATIONS 46337)
AND 46338 FILED BY W. DALTON LA RUE,
SR., AND JUANITA S. LA RUE, DBA)
WINNEMUCCA RANCH TO APPROPRIATE)
WATER FROM LORRIES RESERVOIR AND)
VICKIES RESERVOIR, RESPECTIVELY IN)
WARM SPRINGS VALLEY, WASHOE COUNTY,
NEVADA.)

RULING

GENERAL

Application 46337¹ was filed on November 15, 1982, by W. Dalton La Rue, Sr., and Juanita S. La Rue, dba Winnemucca Ranch to appropriate 0.40 c.f.s. of water from Lorries Reservoir to be used for irrigation of 287.95 acres of land within portions of the NW1/4, SW1/4 and SE1/4 Section 13, E1/2 NE1/4 Section 14, NE1/4 Sections 24, T.24N., R.19E., and portions of the W1/2 Section 19, T.24N., R.20E., M.D.B.&M. The point of diversion is described as being within the NE1/4 NE1/4 Section 14, T.24N., R.19E., M.D.B.&M.

Application 46338¹ was filed on November 15, 1982, by W. Dalton La Rue, Sr., and Juanita S. La Rue, dba Winnemucca Ranch to appropriate 0.40 c.f.s. of water from Vicki's Reservoir to be used for irrigation of 287.95 acres of land within portions of the NW1/4, SW1/4 and SE1/4 Section 13, E1/2 NE1/4 Section 14, NE1/4 Section 24, T.24N., R.19E., and portions of the W1/2 Section 19, T.24N., R.20E., M.D.B.&M. The point of diversion is described as being within the NE1/4 NE1/4 Section 13, T.24N., R.19E., M.D.B.&M.

A letter² in opposition to the above applications was received by Robert W. Marshall on October 28, 1983.

¹ Public record in the office of the State Engineer under Applications 46337 and 46338.

² A copy of this letter is public record on file in the State Engineer's office under Applications 46337 and 46338.

FINDINGS OF FACT

I.

On August 8, 1983, the Order of Determination in the matter of the relative rights of Warm Springs Valley Creek (also known as Winnemucca Valley Creek also known as Isaac Mathews Creek) and its tributaries was filed with the Second Judicial District Court.³ The sources of water for Applications 46337 and 46338 are included in this adjudication. Section XI of said Order of Determination states in part: "the record of this adjudication proceeding and records of permits issued by this office, it is hereby determined that the waters of Warm Springs Valley Creek and its tributaries are fully appropriated."¹

II.

On October 6, 1987, a Final Findings of Fact Conclusions of Law, Judgment and Decree in the matter of the determination of the relative rights in and to the waters of Warm Springs Valley Creek and its tributaries was issued by the Court.³ Section VII of the Conclusions of Law in said decree provides that the water of Warm Springs Valley Creek and its tributaries are fully appropriated.

III.

On March 30, 1988, the Court issued a revised Final Findings of Fact, Conclusions of Law, Judgment and Decree fully incorporating the Decree of October 6, 1987.³

IV.

NRS 533.210 subsection 1 provides in part: "The decree entered by the court as provided by NRS 533.185 shall be final and shall be conclusive upon all persons and rights lawfully embraced within the adjudication".

³ The Order of Determination and Final Findings of Fact, Conclusions of Law, Judgment and Decree (Case No. 83-6641) Second Judicial District Court in Washoe County are public record in the office of the State Engineer under Warm Springs Valley Creek Adjudication.

V.

In a letter dated December 22, 1987, to the County of Washoe c/o Mike Soumbeniotis from Julian C. Smith, Jr., state in part: "In this regard, it should be noted that the order of the Second Judicial Distrist Court in and for the County of Washoe, Case No. 83-7362, entitled "In the Matter of the Determination of the Relative Rights in and to the Waters of Warm Springs Valley Creek (aka Winnemucca Valley Creek, aka Isaac Mathews Creek) and its Tributaries Washoe County, Nevada W. Dalton La Rue and Juanita S. La Rue, dba Winnemucca Ranch, Appellants-Petitioners v. Peter G. Morros, State Engineer State of Nevada; Robert E. Dickenson and Dorothy Dickenson and Robert W. Marshall and Nanette Marshall, dba Intermountain Land Company, Respondents "is a final order and is presently in effect and will be in perpetuity."⁴

CONCLUSIONS

I.

The State Engineer has jurisdiction of the parties and the subject matter of this action and determination.⁵

II.

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

- a) There is no unappropriated water in the proposed source, or
- b) The proposed use conflicts with existing rights, or
- c) The proposed use threatens to prove detrimental to the public interest.

⁴ The letter dated December 22, 1987, is public record in the office of the State Engineer under Warm Springs Valley Creek Adjudication correspondence.

⁵ NRS 533.325.

III.

The sources of water for Applications 46337 and 46338 have been declared fully appropriated in the Final Findings of Fact, Conclusions of Law, Judgment and Decree of Warm Springs Valley Creek (aka Winnemucca Valley Creek, aka Isaac Mathews Creek) and its Tributaries, Washoe County, Nevada.

RULING

Applications 46337 and 46338 are hereby denied on the grounds that the source(s) have been declared fully appropriated and that approval of said permits would conflict with and impair existing rights and would be detrimental to the public interest.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Peter G. Morros", is written over a large, hand-drawn oval scribble.

PETER G. MORROS
State Engineer

PGM/GC/bk

Dated this 5th day of

December, 1988.