

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

IN THE MATTER OF APPLICATION 54163)
FILED TO APPROPRIATE THE WATERS OF)
AND UNNAMED SPRING LOCATED IN WARM)
SPRINGS VALLEY, WASHOE COUNTY,)
STATE OF NEVADA.)

RULING

GENERAL

Application 54163 was filed on November 14, 1989, by Barbara Bierman to appropriate 0.1105 c.f.s. of water from an unnamed spring to irrigate 20 acres of land located within portions of the SE1/4 SW1/4, SW1/4 SE1/4, and NW1/4 SE1/4 Section 35, T.22N., R.21E., M.D.B.&M. The point of diversion is described as being located within the NW1/4 NE1/4 Section 2, T.21N., R.21E., M.D.B.&M.¹

FINDINGS OF FACT

I.

A field investigation of Application 54163 was conducted on June 13, 1990, by Steve Walmsley of the Division of Water Resources.

No Flow was measured at the proposed source.

II.

Mr. Gerald Williamson, the new owner, said that he would contact the Division of Water Resources regarding the withdrawal of Application 54163 at the time of the field investigation.

To date this office has not received a response from Mr. Williamson.

III.

"Before a person may obtain a right to the use of water from a spring or water which has seeped to the surface of the ground, he must ensure that wildlife which customarily uses the water will have access to it."²

¹ Public record in the office of the State Engineer.

² NRS 533.367.

CONCLUSIONS

I.

The State Engineer has jurisdiction of the matter described herein.³

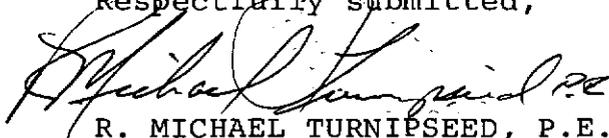
II.

The State Engineer has determined that an insufficient amount of water exists to support the proposed irrigation use and to ensure that wildlife which customarily use the water will continue to have access.

RULING

Application 54163 is herewith denied on the grounds that it would not be in the public interest to allow a water right on a source incapable of supplying a sufficient amount of water to accommodate the proposed use and ensure water for wildlife.

Respectfully submitted,


R. MICHAEL TURNIPSEED, P.E.
State Engineer

RMT/SW/pm

Dated this 24th day of
December, 1990

³ NRS Chapter 533.