

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

IN THE MATTER OF APPLICATIONS 55105,)
55106 AND 55107 FILED TO APPROPRIATE)
THE WATERS FROM UNNAMED SPRINGS IN)
TRUCKEE MEADOWS, WASHOE COUNTY,)
NEVADA.)

RULING
4095

GENERAL

I.

Application 55105 was filed July 23, 1990 by the Caughlin Ranch Homeowners Association to appropriate 1.0 c.f.s. of water from an unnamed spring for irrigation purposes on 100 acres of land located within the SE $\frac{1}{4}$ Section 20; W $\frac{1}{2}$ W $\frac{1}{2}$ Section 21; and N $\frac{1}{2}$ NE $\frac{1}{4}$ and SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 29, all located within T.19N., R.19E., M.D.B.&M. The point of diversion is described as being located within the SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 20, T.19N., R.19E., M.D.B.&M.¹

Application 55106 was filed July 23, 1990 by the Caughlin Ranch Homeowners Association to appropriate 1.0 c.f.s. of water from an unnamed spring for recreational purposes on 100 acres of land located within the SE $\frac{1}{4}$ Section 20; W $\frac{1}{2}$ W $\frac{1}{2}$ Section 21; and N $\frac{1}{2}$ NE $\frac{1}{4}$ and SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 29, all located within T.19N., R.19E., M.D.B.&M. The point of diversion is described as being located within the SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 20, T.19N., R.19E., M.D.B.&M.¹

Application 55107 was filed July 23, 1990 by the Caughlin Ranch Homeowners Association to appropriate 1.0 c.f.s. of water from an unnamed spring for wildlife habitat purposes on 100 acres of land located within the SE $\frac{1}{4}$ Section 20; W $\frac{1}{2}$ W $\frac{1}{2}$ Section 21; and N $\frac{1}{2}$ NE $\frac{1}{4}$ and SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 29, all located within T.19N., R.19E., M.D.B.&M. The point of diversion is described as being located within the SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 20, T.19N., R.19E., M.D.B.&M.¹

II.

Applications 55105, 55106 and 55107 were timely protested by Truckee Carson Irrigation District on the following grounds:

¹ Public record in the office of the State Engineer.

These new applications to appropriate waters from an un-name spring will reduce either surface or subsurface tributary flow to the Truckee River thus adversely affecting senior water right holders downstream such as the T.C.I.D.

Therefore, the protestant requests that the application be denied and that an order to be entered for such relief as the State Engineer deems just and proper.¹

FINDINGS OF FACT

I.

A field investigation and on site inspection revealed that:²

1. The spring seep areas covered by Applications 55106 and 55107 were dry at the time of the field investigation.
2. Both springs are located adjacent and down gradient from unlined sections of the Steamboat Irrigation Ditch.
3. The ditch was dry and had been dry for approximately three months prior to the field investigation.

The State Engineer finds that these are not original sources of water and, therefore, are not subject to appropriation.

II.

The field investigation revealed the unnamed spring under Application 55106 had been developed using a four inch diameter p.v.c. pipe which terminated at a point within Alum Creek. The explanation by George Lindesmith revealed that the intent of the pipe installation was to dewater a spring area encountered during the excavation of a trench for a sewer main pipeline.²

The State Engineer finds that evidence from the field investigation reflected that the spring under Application No. 55105 originally discharged into Alum Creek and the flow from the spring

² Informal Field Investigation was performed on October 22, 1991, conducted by Steve Walmsley of the Division of Water Resources and George Lindesmith, agent for the applicant. Each spring source was visited for an on site inspection.

to the creek was increased by the installation of the dewatering gravel and pipeline.²

III.

The State Engineer finds that Alum Creek is the source of water for Claims 150 and 150½ of the Truckee River Decree.³

CONCLUSIONS

I.

The State Engineer has jurisdiction of the parties and the subject matter of this action.⁴

II.

The State Engineer is prohibited by law from granting a permit under an application to appropriate the public waters where:

- A. There is no unappropriated water at the proposed source, or
- B. The proposed use or change conflicts with existing rights, or
- C. The proposed use or change threatens to prove detrimental to the public interest.⁵

III.

The State Engineer concludes that the water applied for under Application 55105 is tributary to Alum Creek and the approval of this application would impair the value of existing decreed rights to the source.

IV.

Based on evidence gathered during the October 22, 1991, field investigation that the spring sources described under Applications 55106 and 55107 are defined as seepage from unlined sections of the Steamboat Ditch, the State Engineer concludes that the waters transported via the Steamboat Ditch are intended to serve the

³ Claims 150 and 150½ in U.S. vs. Orr Water Ditch Co., et. al. in Equity, Docket No. A3, Final Decree; U.S. District Court, District of Nevada, 1944.

⁴ NRS Chapter 533.

⁵ NRS Chapter 533.370.

Ruling
Page 4

holders of decreed rights under the Truckee River Decree.⁶ Therefore, the State Engineer determines that the approval of Applications 55106 and 55107 would impair the value of existing decreed rights.

RULING

The protests of the Truckee Carson Irrigation District are upheld and Application 55105, 55106 and 55107 are herewith denied on the grounds that the approval of said applications would impair the value of existing decreed water rights.

Respectfully submitted,



R. MICHAEL TURNIPSEED, P.E.
State Engineer

RMT/SW/pm

Dated this 8th day of
March, 1994.

⁶ Claims 16 through 89 in U.S. vs. Orr Water Ditch Company, et. al. in equity, Docket No. A3, final Decree; U.S. District Court, District of Nevada, 1944.