

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

IN THE MATTER OF APPLICATION 71157)
FILED TO APPROPRIATE SURFACE WATER)
FOR IRRIGATION PURPOSES WITHIN THE)
WARM SPRINGS VALLEY HYDROGRAPHIC)
BASIN (084), WASHOE COUNTY, NEVADA.)

RULING

#5757

GENERAL

I.

Application 71157 was filed on May 4, 2004, by Catherine Armstrong to appropriate 0.25 cubic feet per second not to exceed 24 acre-feet annually, from Quaking Aspen Road Creek in the Warm Springs Valley Hydrographic Basin. The proposed manner of use is irrigation. The proposed point of diversion is described as being located within the NE¼ NW¼ of Section 5, T.21N., R.22E., M.D.B.&M.¹

FINDINGS OF FACT

I.

Quaking Aspen Road Creek is also known as Quaking Aspen Creek, Twin Springs Creek and Home Ranch Canyon Creek.

II.

The United States Geological Survey 7.5 minute quadrangle "Spanish Springs Peak, Nev." illustrates the stream in Home Ranch Canyon as perennial above and changing to ephemeral in the vicinity of the proposed point of diversion.

III.

An informal field investigation conducted on February 27, 2006, in conjunction with the annual water level measurements for Warm Springs Valley identified no water in the stream channel at the proposed point of diversion on Quaking Aspen Road Creek¹. The State Engineer finds that there is no water at the source.

¹ File No. 71157, official records in the Office of the State Engineer.

IV.

Stream morphology and phreatophyte growth indicates that Quaking Aspen Road Creek does not routinely reach the proposed point of diversion². The State Engineer finds that there is not a reasonable chance of flow in Quaking Aspen Road Creek dependably reaching the proposed point of diversion.

CONCLUSIONS

I.

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

II.

The State Engineer is prohibited by law from granting an application to appropriate the public waters where:⁴

- A. there is no unappropriated water at the proposed source;
- B. the proposed use or change conflicts with existing rights;
- C. the proposed use or change conflicts with protectible interests in existing domestic wells as set forth in NRS § 533.024; or
- D. the proposed use or change threatens to prove detrimental to the public interest.

III.

Application 71157 was filed to appropriate the waters of Quaking Aspen Road Creek, a.k.a. Quaking Aspen Creek, a.k.a. Twin Springs Creek, a.k.a. Home Ranch Canyon Creek in the Warm Springs Valley Hydrographic Basin. The State Engineer concludes that there is no water at the source from which to make an appropriation.

² See Report of Field Investigation No. 1063, official records in the Office of the State Engineer.

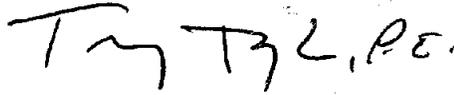
³ NRS chapter 533.

⁴ NRS § 533.370(5).

RULING

Application 71157 is hereby denied on the grounds that no water exists at the source.

Respectfully submitted,



TRACY TAYLOR, P.E.
State Engineer

TT/MJA/jm

Dated this 27th day of

July, 2007.