

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

IN THE MATTER OF APPLICATION 80872)
FILED TO APPROPRIATE THE PUBLIC)
WATERS OF AN UN-NAMED SPRING)
SOURCE WITHIN THE TRUCKEE)
MEADOWS HYDROGRAPHIC BASIN)
(87), WASHOE COUNTY, NEVADA.)

RULING

#6154

GENERAL

I.

Application 80872 was filed on May 20, 2011, by Caughlin Ranch Homeowners Association to appropriate 0.056 cubic feet per second (cfs) or 40.54 acre-feet annually of water. The source of water is from an un-named spring source and the proposed manner of use is for recreational purposes. The proposed place of use is described as being located within the SE¼ of Section 20, W½ W½ of Section 21, the N½ NE¼ and the SW¼ NE¼ of Section 29, T.19N., R.19E., M.D.B.&M., specifically being Washoe County Assessor's Parcel Nos. 009-571-07, 214-150-07, and 220-160-05, and as shown on the map accompanying Application 55105 on file in the Office of the State Engineer.¹ The proposed point of diversion is described as being located within the SW¼ SE¼ of Section 20, T.19N., R.19E., M.D.B.&M.

II.

The detailed description of the proposed project under Application 80872 indicates diversion into stream beds and ponds to be utilized for recreation, landscaping, water features, park sports facilities, play structure facilities and habitat preservation. The proposed works will be the construction of additional ponds and irrigation systems from the ponds allowing for additional evaporative loss and consumptive use to occur.

FINDINGS OF FACT

I.

Application 55105 was filed July 23, 1990, by the Caughlin Ranch Homeowners Association to appropriate 1.0 cfs of water from an un-named spring for irrigation purposes of 100 acres of land located within the same location and with the same point of diversion as

¹ File No. 80872, official records in the Office of the State Engineer.

Application 80872.² Application 55105 was denied by State Engineer's Ruling No. 4095 on the grounds that the approval of said applications would impair the value of existing decreed water rights.³

II.

Application 57396 was filed April 3, 1992, by the Caughlin Ranch Homeowners Association to appropriate 0.056 cfs of water from an un-named spring for recreational purposes to maintain streams and ponds being fed by Alum Creek located within the SE¼ of Section 20, W½ W½ of Section 21, T.19N., R.19E., M.D.B.&M. The point of diversion for Application 57396 is described as being located within the SW¼ SE¼ of Section 20, T.19N., R.19E., M.D.B.&M.⁴

Concern of maintenance of instream flow while not jeopardizing the downstream users' rights was addressed by a letter from the Caughlin Ranch Homeowners Association dated July 21, 2007, which stated, "The Association currently maintains the Alum Creek creek bed as a water feature for the continuous flow of the subject water through the Caughlin Ranch, which eventually flows directly through the Crissie Caughlin Park into the Truckee River."

Based on this information, Permit 57396 was issued with the specific term that the flow was to remain in the natural channel of Alum Creek as specified by the supporting map² and as such, is a non-consumptive use of the resource.

III.

In Ruling No. 4095, the State Engineer found that the un-named spring referenced under Application 55105 was located adjacent and down gradient from unlined sections of the Steamboat Irrigation Ditch.

The State Engineer finds that evidence reflects that the spring under Application 55105 and Application 80872 originally discharged into Alum Creek and the flow from the spring to the creek was increased by the installation of the dewatering gravel and pipeline.⁵

IV.

The State Engineer finds that Alum Creek is the source of water from Claims 150 and 150½ of the Truckee River Decree.⁵

² File No. 55105, official records in the Office of the State Engineer.

³ Ruling No. 4095, official records in the Office of the State Engineer.

⁴ File No. 57396, official records in the Office of the State Engineer.

⁵ Final Decree in *United States v. Orr Water Ditch Co.*, In Equity Docket No. A-3 (D. Nevada 1944).

CONCLUSIONS

I.

The State Engineer has jurisdiction over the parties and the subject matter of this action and determination.⁶

II.

The State Engineer is prohibited by law from granting an application to appropriate the public waters where.⁷

- 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 protectable 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.

The State Engineer concludes that the water applied for under Application 80872 is tributary to Alum Creek and the approval of this application would impair the value of existing decreed rights to the source.

RULING

The protest is upheld and Application 80872 is hereby denied on the grounds that its approval would threaten to prove detrimental to the public interest.

Respectfully submitted,



JASON KING, P.E.
State Engineer

Dated this 2nd day of
December, 2011.

⁶ NRS Chapter 533.

⁷ NRS § 533.370(5).