

IN THE MATTER OF APPLICATIONS 30088,)
30089, 30090, 30091, 30092, 30093,)
30094, 30356, 30357, 30535, 30536,)
30777, 30778, 30807, 30808, 30809,)
AND 30810 TO APPROPRIATE WATER)
FROM AN UNDERGROUND SOURCE IN)
LEMMON VALLEY, WASHOE COUNTY, NEVADA.)

R U L I N G

INTRODUCTION

Applications 30088, 30089, 30090, 30091, 30092, 30093, 30094, 30356, 30357, 30535, 30536, 30777, 30778, 30807, 30808, 30809 and 30810 were filed in this office of the State Engineer between March 18, 1976 and November 9, 1976, to appropriate water from an underground source in Lemmon Valley, Nevada.

In 1973 Water Resources Bulletin No. 42, "Evaluation of the Water Resources of Lemmon Valley, Washoe County, Nevada, with emphasis on effects of Groundwater Development to 1971" by James R. Harrill was prepared cooperatively by the Nevada Department of Conservation and Natural Resources, Division of Water Resources, the United States Department of the Interior, Geological Survey, Washoe County and the City of Reno. This report is available from the office of the State Engineer.

FINDINGS OF FACT

I

Applications 30088 through 30094 were filed on March 18, 1976 by Valley Water Company to appropriate underground water for Quasi-Municipal (subdivision) and domestic use. The place of use for all seven applications is the same and is within the NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 3, E $\frac{1}{2}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 4, E $\frac{1}{2}$, E $\frac{1}{2}$ W $\frac{1}{2}$ Section 5, T.20N., R.19E., SE $\frac{1}{4}$ Section 15, E $\frac{1}{2}$ Section 21, NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 22, W $\frac{1}{2}$, W $\frac{1}{2}$ E $\frac{1}{2}$ Section 26, NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 27, SE $\frac{1}{4}$ Section 32, Section 34, N $\frac{1}{2}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$ Section 35, T.21N., R.19E., M.D.B. &M.

Application 30088 is for 3.5 c.f.s. of water to be diverted from a point within the NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 27, T.21N., R.19E., M.D.B. &M.

Application 30089 is for 3.5 c.f.s. of water to be diverted from a point within the SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 22, T.21N., R.19E., M.D.B. &M.

Application 30090 is for 1 c.f.s. of water to be diverted from a point within the NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 26, T.21N., R.19E., M.D.B. &M.

Application 30091 is for 3 c.f.s. of water to be diverted from a point within the NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 34, T.21N., R.19E., M.D.B. &M.

Application 30092 is for 0.5 c.f.s. of water to be diverted from a point within the SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 4, T.20N., R.19E., M.D.B. &M.

Application 30093 is for 0.1 c.f.s. of water to be diverted from a point within the NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 3, T.20N., R.19E., M.D.B. &M.

Application 30094 is for 0.5 c.f.s. of water to be diverted from a point within the SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 3, T.20N., R.19E., M.D.B. &M.

Applications 30088 through 30094 are to be used to serve 440 single family homes, trailers, apartments and commercial units - along with warehouses. The applicant estimates the total use will be 624 ac-ft/yr.

Applications 30356 and 30357 were filed on June 28, 1976 by Emerson J. Wilson Company. Each application is to appropriate 4 c.f.s. of underground water for quasi-municipal and domestic use on 202 acres within Section 33, T.21N., R.19E., M.D.B. &M.

The point of diversion under Application 30356 is within the NW $\frac{1}{4}$ NE $\frac{1}{4}$ said Section 33 and the point of diversion under Application 30357 is within the NW $\frac{1}{4}$ SE $\frac{1}{4}$ said Section 33.

The proposed development under Applications 30356 and 30357 will consist of apartments, mobile home court and residential lots.

Applications 30535 and 30536 were filed on August 24, 1976 by Valley Water Company to appropriate underground water for quasi-municipal (subdivision) and domestic purposes.

Application 30535 is for 3.5 c.f.s. of water to be diverted at a point within the SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 7, T.21N., R.19E., M.D.B. &M. 92A

Application 30536 is for 3.5 c.f.s. of water to be diverted at a point within the SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 7, T.21N., R.19E., M.D.B. &M. 92A

Applications 30535 and 30536 are to be used to serve 750 single family homes, trailers, apartments and commercial units, along with warehouses. The applicant estimates the total use will be 924 ac-ft/yr.

Applications 30777 and 30778 were filed on October 22, 1976 by James S. Flannagan to appropriate underground water for quasi-municipal (subdivision) purposes.

Application 30777 is for 1 c.f.s. of water to be diverted at a point within the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 13, T.21N., R.18E., M.D.B. &M. 92A

Application 30778 is for 1 c.f.s. of water to be diverted at a point within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 13. 92A

Applications 30777 and 30778 are to be used for 130 residential units within the S $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 13.

Applications 30807, 30808, 30809 and 30810 were filed on November 9, 1976 by Camino Viejo Investments to appropriate underground water for commercial (truck stop) purposes within the SE $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 9, T.20N., R.19E., M.D.B. &M. The water is to be used for a truck stop (24 hr. coffee shop, gas station, casino, 60+ motel units and related services). 92B

Application 30807 is to divert 1 c.f.s. from a point within the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 9.

Application 30808 is to divert 1 c.f.s. from a point within the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 9.

Application 30809 is to divert 1 c.f.s. from a point within the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 9.

Application 30810 is to divert 1 c.f.s. from a point within the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 9¹

II

Applications 30088, 30089, 30090, 30091, 30092, 30093, 30094, 30356, 30357, 30535, 30536, 30777, 30778, 30807, 30808, 30809 and 30810 were filed to appropriate water from an underground source from within Lemmon Valley Basin, Washoe County, Nevada as designated and described by Order 391 of the State Engineer issued July 14, 1971.²

III

It is estimated that the perennial yield of the Lemmon Valley ground water reservoir is 1300 ac-ft/yr with 400 ac-ft/yr being available from the East Lemmon Valley Subarea and 900 ac-ft/yr being available from the Silver Lake Subarea. Allowing for additional recharge from imported water an augmented yield estimate is 1600 ac-ft/yr with 600 ac-ft/yr. from the East Lemmon Valley Subarea and 1,000 ac-ft/yr from the Silver Lake Subarea.³

IV

Beneficial use has been shown for a total of 2500 ac-ft/yr of underground water rights in Lemmon Valley with 1430 ac-ft/yr in East Lemmon Subarea and 1070 ac-ft/yr in Silver Lake Subarea.

A block of 4390 ac-ft/yr of permitted water rights is subject to cancellation for failure to show beneficial use but appeals have been filed in District Court asking review of the State Engineer's actions. 1440 ac-ft/yr of the contested water rights are in East Lemmon subarea and 2950 ac-ft/yr are in the Silver Lake Subarea.⁴

V

An estimated 2030 ac-ft of ground water was pumped in Lemmon Valley in 1976 with 1550 ac-ft pumped from the East Lemmon Subarea and 480 ac-ft pumped from the Silver Lake Subarea.⁵ In 1971 an estimated 920 ac-ft of ground water was pumped from Lemmon Valley.⁶

Approximately 1530 ac-ft was pumped by water right holders and 500 ac-ft was pumped by domestic wells which are not required to obtain permits to appropriate water.⁷

VI

Approximately 4800 lots have been formed by subdivision and parceling in Lemmon Valley. Residences have been established on approximately 2400 of those lots leaving 2400 lots.⁸

VII

Static water levels have been measured since 1971 in a monitor well net of over 30 wells in Lemmon Valley. Declining static water levels have occurred in Golden Valley; on the eastern side of the playa in East Lemmon Valley; and west of Black Springs. Rising static water levels have been shown to the south and west of the playa in East Lemmon Valley.⁹

VIII

Recognizing the critical nature of the ground water resource development, the State Engineer has initiated and pursued a policy of strict regulation of water rights in the designated Lemmon Valley Basin.

Extensions of time for proving beneficial use have not been granted since 1971.

Since 1969, 14 applications to appropriate ground water have been denied.¹⁰

Meters have been required on wells with water rights.

A notice, Order 388, was issued on May 18, 1971 declaring a moratorium on the issuance of permits to appropriate underground water in Lemmon Valley. Permits to appropriate underground water have not been issued since 1972 except Permit 29078 which proved beneficial use for 0.26 ac-ft/yr.

CONCLUSIONS

1. The State Engineer has jurisdiction of the parties and the subject matter of this action.¹¹

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

A. There is no unappropriated water at the proposed source, or

B. The proposed use conflicts with existing rights, or

C. The proposed use threatens to prove detrimental to the public welfare.¹²

3. Existing water rights for ground water in Lemmon Valley exceed the estimated perennial yield and the estimated augmented perennial yield for the Lemmon Valley ground water reservoir. Beneficial use has been shown for water rights in excess of the estimated perennial yield in both the East Lemmon and Silver Lake subareas of Lemmon Valley.

In 1976 pumpage from the ground water reservoir in Lemmon Valley exceeded the estimated augmented yield.

To grant additional water rights under the subject applications would adversely affect existing rights and threaten to prove detrimental to the public welfare.

4. The potential exists for additional development and pumpage from the Lemmon Valley ground water reservoir. Rapid urbanization of the area indicates pumpage will continue to increase.

Approximately 40% of existing water rights were not used in 1976.

Only one-half of the subdivided lots have existing residences and a domestic well may be drilled on a substantial portion of the undeveloped lots.

There are 4390 ac-ft/yr. of water rights now involved in litigation.

To grant additional water rights from the Lemmon Valley ground water reservoir under the subject applications, would overcommit this limited natural resource, conflict with existing rights, and threaten to prove detrimental to the public welfare.

5. Water levels have shown declines in parts of Lemmon Valley, particularly where pumpage from deeper aquifers has occurred. While the present rates of decline may not be considered unreasonable, the potential for substantial additional pumpage and accelerated decline exists.

To appropriate more ground water for development would tend to accelerate water level declines and thereby conflict with existing rights and threaten to prove detrimental to the public welfare.

RULING

Applications 30088, 30089, 30090, 30091, 30092, 30093, 30094, 30356, 30357, 30535, 30536, 30777, 30778, 30807, 30808, 30809 and 30810 are denied on the grounds that the granting of water rights for additional ground water development from the designated Lemmon Valley basin would conflict with existing rights and threaten to prove detrimental to the public welfare in this area where appropriations and pumpage exceed estimates of available yield.

Respectfully submitted,


Roland D. Westergard
State Engineer

RDW/JC/dc

Dated this 15th day
of April 1977.

FOOTNOTES

1. Public records located within the Office of the State Engineer.
2. NRS 534.030
3. Water Resources Bulletin No. 42, p. 2, 77, 78.
4. Public records located within the Office of the State Engineer.
5. Estimates made by the Office of the State Engineer.
6. Water Resources Bulletin No. 42, p. 64.
7. Estimates made by the Office of the State Engineer.
8. Estimates made in the Office of the State Engineer partly from data received from the Regional Planning Commission, Reno, Sparks and Washoe County and the Office of the Washoe County Engineer and including the Lemmon Valley Comprehensive Plan, Phase I - Inventory and Analysis by the Regional Planning Commission, Reno, Sparks and Washoe County.
9. Hydrographs of the monitor well measurements are public records located within the Office of the State Engineer.
10. Public records located within the Office of the State Engineer. Denied applications are 22201, 22202, 22203, 26173, 26190, 26194, 26211, 26405, 26406, 27422, 28589, 28590, 29502 and 29503.
11. NRS 533.025 and 533.030, subsection 1.
12. NRS 533.370, subsection 4.