

IN THE MATTER OF APPLICATION)
31737 FILED TO APPROPRIATE)
UNDERGROUND WATER IN LEMMON)
VALLEY, WASHOE COUNTY, NEVADA.)

RULING

92B

Application 31737 was filed on May 17, 1977, by Lemmon Valley Land Co., Inc. to appropriate 1 cfs of underground water for pollution control and domestic purposes. The point of diversion is within the NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 23, T.21N., R.19E., M.D.B.&M. The place of use is within the N $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 23, SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 14, T.21N., R.19E., M.D.B.&M. Application 31737 states that well water is to be used at a sand pit to keep the sand wet so that it does not create a dust problem.

Application 31737 was protested on September 8, 1977 by Pamela B. Wilcox et al who prayed that the application be denied on the following grounds:

"To: State Engineer Roland Westergard
"Re: Application for underground water permit 31737.

"Dear Mr. Westergard:

"We, the undersigned residents of Lemmon Valley, all being owners of homes and domestic wells in Lemmon Valley near this proposed water use, wish to protest this application and request that it be denied.

"We refer you to the ruling of your office on April 15 of this year, in which you denied 17 new well applications in this area. In that ruling you cited as findings: (1) that the augmented perennial yield of the entire Lemmon Valley water basin is 1600 AF/Y, with 600 AF/Y being from the East Lemmon Valley Subarea within which we live and within which this proposed use would take place; (2) that beneficial use had been shown for a total of 2500 AF/Y in Lemmon Valley, with 1430 AF/Y in the East Lemmon Valley Subarea; (3) that there were approximately 2400 vacant subdivision lots in Lemmon Valley, most of which can be developed using domestic wells; (4) that, since 1969, 14 applications to appropriate additional ground water had been denied; and (5) that 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. In conclusion, you stated that the granting of additional water rights would adversely affect existing rights and threaten to prove detrimental to the public welfare, and you denied all 17 new applications.

"For the same reasons we, as water users and owners of domestic wells, request that this application also be denied.

"We wish to note that we would not oppose new water uses that would be necessary for the welfare of the people of Lemmon Valley, such as for schools, parks, or hospitals. However, this is certainly not such a use. The well is proposed to be used in running a commercial/industrial materials pit in our area. (The application's statement that the water is to be used for pollution control is certainly an embroidery of the truth. They could control the dust by paving the road and covering the trucks.) This is a particularly undesirable water use to the residents, since the water neither grows nor makes anything, but is sprinkled on the road and the trucks, and purposefully allowed to completely evaporate.

"In summary, please protect our dwindling water supplies and deny this application, as you have the others."

NRS 534.120 authorizes the State Engineer to designate preferred uses of water within designated groundwater basins such as Lemmon Valley.

The use of underground water in Lemmon Valley as described in Application 31737 for the sole purpose of wetting down sand at a sand pit to control a dust problem is considered to be a preferred use.

RULING

The protest to Application 31737 is overruled and a permit will be issued upon payment of statutory fees. A totalizing meter must be installed and maintained on the well and the amount diverted annually will be limited to 400,000 gallons. Use under the permit will be limited to dust control of the sand pit located within the described place of use.

Respectfully submitted,


Roland D. Westergard
State Engineer

RDW:JC:jw

Dated this 30th day

of November, 1977.