

IN THE MATTER OF APPLICATIONS 34983, )  
35048, 35218, 35254 AND 35695 TO AP- )  
PRIATE WATER FROM AN UNDERGROUND )  
SOURCE IN WASHOE VALLEY, WASHOE COUN- )  
TY, NEVADA. )

R U L I N G

89

INTRODUCTION

I

Applications 34983, 35048, 35218, 35254 and 35695 were filed to appropriate water from an underground source in Washoe Valley.

In 1967, Water Resources-Reconnaissance Series Report 41, "Water Resources Appraisal of Washoe Valley, Nevada", by F. Eugene Rush, was prepared cooperatively by the Department of Conservation and Natural Resources, Division of Water Resources and the U. S. Department of Interior, Geological Survey. This report is available from the Office of the State Engineer.

In 1973, Water Resources-Reconnaissance Series Report 57, "A Brief Water Resources Appraisal of the Truckee River Basin, Western Nevada," by A. S. VanDenburgh, R. D. Lamke and J. L. Hughes was prepared cooperatively by the Department of Conservation and Natural Resources, Division of Water Resources and the U. S. Department of Interior, Geological Survey. This report is available from the Office of the State Engineer.

FINDINGS OF FACT

I

Application 34983 was filed on February 14, 1978 by Roy F. Marsden to appropriate 1.0 c.f.s. of the waters of an underground source to be diverted within the NW1/4 SW1/4 Section 31, T.17N., R.20E., M.D.B.&M., and to be used for irrigation of 10 acres within the NW1/4 SW1/4 Section 31, T.17N., R.20E., M.D.B.&M.

Application 35048 was filed on February 28, 1978 by James A. Linebaugh to appropriate 0.05 c.f.s. of the waters of an underground source to be diverted within the NW1/4 NE1/4 Section 5, T.16N., R.20E., M.D.B.&M., and to be used for irrigation of 1.5 acres within the NW1/4 NE1/4 Section 5, T.16N., R.20E., M.D.B.&M.

Application 35218 was filed on March 27, 1978 by Jack L. Bacon, Robert E. and Lillian M. Martin and Ramon H. and Abigail Ryan Schmutz to appropriate 1.5 c.f.s. of the waters of an underground source to be diverted within the NW1/4 SW1/4 Section 10, T.16N., R.19E., M.D.B.&M., and to be used for irrigation of 111 acres within Section 10 and Section 15, T.16N., R.19E., M.D.B.&M.

Application 35254 was filed on April 5, 1978 by Perry M. and Patricia DiLoreto to appropriate 0.5 c.f.s. of the waters of an underground source to be diverted within the SE1/4 SW1/4 Section 22, T.16N., R.19E., M.D.B.&M., and to be used for irrigation of 6.983 acres within a portion of Section 22, T.16N., R.19E., M.D.B.&M.

Application 35695 was filed on August 7, 1978 by Roger Gash to appropriate 0.009 c.f.s. of the waters of an underground source to be diverted within the SE1/4 NE1/4 Section 34, T.17N., R.19E., M.D.B.&M., and to be used for irrigation of 1 acre within the SE1/4 NE1/4 Section 34, T.17N., R.19E., M.D.B.&M. 1/

II

Applications 34983, 35048, 35218, 35254 and 35695 were filed to appropriate water from an underground source in the Washoe Valley Ground Water Basin, Washoe County and Carson City, Nevada. 2/

III

By an order dated March 1, 1978, the State Engineer designated and described the Washoe Valley Ground Water Basin as a ground water basin coming under the provisions of NRS 534. 3/

IV

It is estimated that the potential annual recharge to the Washoe Valley Ground Water Basin is 15,000 acre-feet. Nearly 90 percent (13,000 acre-feet) of the estimated potential recharge is from the Carson Range on the West side of Washoe Valley. The Virginia Range, on the East side of Washoe Valley, provides 1,000 acre-feet of this estimated potential recharge. Precipitation on the valley floor (excluding lake surface) provides the remaining 1,000 acre-feet. 4/

Runoff from the Carson Range saturates the valley-fill reservoir in many places to or very near the land surface, especially near where streams cross the valley floor. Because of this saturated condition, room in the valley-fill reservoir is limited for recharge from streams. As a result, most of the potential ground water recharge is rejected at the land surface and flows in the streams as runoff to Washoe and Little Washoe Lakes. 4/

Thus, natural recharge available to satisfy existing ground water rights is estimated to be a fraction of the potential recharge of 15,000 acre-feet annually. 4/ Any consumptive withdrawal in excess of natural recharge will either deplete the ground water reservoir or cause additional surface water to percolate into the ground water reservoir. Consumptive withdrawals in excess of natural recharge will adversely affect the resource and existing rights.

V

Existing certificated and permitted ground water rights in the Washoe Valley Ground Water Basin for irrigation, wildlife, municipal, recreation and other purposes now approach estimates of potential recharge and exceed natural recharge on an annual basis. 5/

VI

Hearings in the matter of forfeiture and pending applications to divert water from the Washoe Valley Ground Water Basin were held by the State Engineer:

- A. On May 11, 1978
- B. On June 20, 1978. 6/

VII

Should Applications 34983, 35048, 35218, 35254 and 35695 be granted and should subsequent development affect prior ground water rights or surface water rights, the State Engineer is required by law to order withdrawals be restricted to conform to priority rights. 7/

CONCLUSIONS

I

The State Engineer has jurisdiction of the parties and the subject matter of this action. 8/

II

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. 9/

III

Existing water rights for ground water in the Washoe Valley Ground Water Basin approach the potential recharge of 15,000 acre-feet annually and exceed the natural recharge which is a fraction of the potential recharge.

To grant irrigation rights that consume additional water in this designated basin would adversely affect existing rights and threaten to prove detrimental to the public welfare. If Applications 34983, 35048, 35218, 35254 and 35695 are granted, additional land would be irrigated or land that is irrigated only part time would be irrigated more intensively and frequently. This would result in additional consumptive use by farm land irrigation. The additional withdrawals and consumption would remove water from the ground water reservoir which:

- A. Would not be replaced resulting in depletion of the ground water reservoir, or
- B. Would be replaced by infiltrating surface water that would otherwise remain in or return to the stream system.

The additional withdrawal and consumption of underground water for irrigation would therefore conflict with existing rights and threaten to prove detrimental to the public welfare.

IV

The State Engineer is authorized and directed to designate preferred uses of water within designated ground water basins such as the Washoe Valley Ground Water Basin. 10/ The consumptive use of additional ground water to irrigate additional land or to more intensively and frequently irrigate other land is not considered to be a preferred use of the limited water resources of the Washoe Valley Ground Water Basin.

RULING

Applications 34893, 35048, 35218, 35254 and 35695 are herewith denied on the grounds that the appropriation of additional underground water for irrigation purposes in the area described would tend to impair the value of existing rights and be detrimental to the public welfare.

Respectfully submitted,

  
Roland D. Westergard  
State Engineer

RDW/VRH/bl

Dated this 27th day  
of DECEMBER, 1978.

FOOTNOTES

1. Public records in the Office of the State Engineer.
2. Public records in the Office of the State Engineer.
3. Public records in the Office of the State Engineer.
4. Water Resources-Reconnaissance Series Report 41, pp. 13, 14, and 24; Report 57, p. 41.
5. Public records in the Office of the State Engineer.
6. Public records in the Office of the State Engineer. Transcripts of hearings of May 11, 1978 and June 20, 1978.
7. NRS 534.110, subsections 3 and 6.
8. NRS 533.025 and NRS 533.030, subsection 1.
9. NRS 533.370, subsections 1 and 4.
10. NRS 534.120, subsection 2.