

IN THE MATTER OF APPLICATION 38089,)
TO APPROPRIATE WATER FROM AN UNDER-)
GROUND SOURCE IN WASHOE VALLEY,)
WASHOE COUNTY, NEVADA.)

R U L I N G

89

INTRODUCTION

Application 38089 was 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 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 38089 was filed on May 2, 1979 by Miro Mizera to appropriate 0.5 c.f.s. of underground water to be diverted within the SW1/4 SE1/4 of Section 34, T.17N., R.20E., M.D.B.&M., and to be used for quasi-municipal purposes within all that portion of land in the West 1/2 of Section 29, T.17N., R.20E., M.D.B.&M., excepting therefrom the N1/2 of the NW1/4 of said Section 29. (1)

II

By an order dated March 1, 1979, the State Engineer designated and described the Washoe Valley Ground Water Basin as a ground water basin coming under the provisions of NRS 534. Subsequent to March 1, 1978, the State Engineer has denied eight (8) applications to appropriate the public waters of the State of Nevada where such applications had their proposed points of diversion within the Washoe Valley Ground Water Basin. (2)

III

It is estimated that the potential annual recharge to the Washoe Valley Ground Water Basin is 15,000 acre-feet. Nearly 90 percent 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 the lake surface) provides an additional 1,100 acre-feet. (3) About 1/3 of the valley floor is

on the east side of Washoe Valley. (4) Thus, the estimated potential annual recharge on the east side of Washoe Valley is nearly 1,400 (1,000 plus 1/3 of 1,100) acre-feet. Any consumptive withdrawal in excess of this 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 effect the resource and existing rights.

IV

Existing certificated and permitted ground water rights in the east side of Washoe Valley Ground Water Basin exceed estimates of potential annual recharge. Total water rights amount to 2017.89 acre-feet per year of underground water. (5)

V

Approximately 1250 lots have been formed by subdivision and parceling on the east side of Washoe Valley. Present developed lots amount to approximately 870 dwelling units with individual wells. Legal withdrawal per individual domestic well is 2 acre-feet annually, thus existing wells could legally divert 1740 acre-feet annually and the total buildout potential would be around 2500 acre-feet per year. (6)

VI

Potential legal diversions of certificated and permitted ground water rights plus individual domestic wells could amount to approximately 4500 acre-feet per year on the east side of Washoe Lake. This far exceeds the estimated perennial yield of 1400 acre-feet.

VII

A hearing was held in the matter of forfeiture of Permit 18698, Certificate 6202 on February 21, 1980, by the State Engineer. Per a letter dated May 30, 1980 to Miro Mizera, the State Engineer, after reviewing the transcript of the forfeiture hearing, found that there was insufficient evidence to consider any further action on the forfeiture of Permit 18698, Certificate 6202, because of non-use. (7)

VIII

The proposed point of diversion for Application 38089 is the same point of diversion listed under Permit 18698, Certificate 6202.

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 ground water rights on the east side of the Washoe Valley Ground Water Basin exceed estimates of potential annual recharge. The potential exists for additional pumpage under existing ground water rights that have not been developed. To grant additional rights as applied for under Application 38089, from the limited ground water resource on the east side of Washoe Valley, would adversely affect existing rights and threaten to prove detrimental to the public interest. Previous applications for quasi-municipal use in this area have been denied. Water rights under Permit 18698, Certificate 6202 would be adversely affected by an additional 0.5 c.f.s. withdrawal at this point of diversion.

RULING

Application 38089 is denied on the grounds that the appropriation of additional ground water on the east side of Washoe Valley for the proposed use would impair the value of existing rights and be detrimental to the public welfare.

Respectfully submitted



Peter G. Morros
State Engineer

PGM/GB/bl

Dated this 20th day of
July, 1981.

FOOTNOTES

1. Public Records in the Office of the State Engineer.
2. Public Records in the Office of the State Engineer.
3. Water Resources-Reconnaissance Series Report 41, pages 13 and 14; Report 57, page 41.
4. Water Resources-Reconnaissance Series Report 41; estimated from map, "Figure 7 - Generalized Land Status of the Valley Floor, April 1966".
5. Public Records in the Office of the State Engineer.
6. Map Prepared by the Washoe County Planning Commission (10/79) and a Field Survey.
7. Public Records in the Office of the State Engineer.
8. NRS 533.025 and NRS 533.030, Subsection 1.
9. NRS 533.370, Subsections 1 and 4.