

IN THE MATTER OF APPLICATIONS)
TO CHANGE 42548, 42549, 42793)
AND 42794 FILED FOR UNDERGROUND)
WATER IN DOUGLAS COUNTY, NEVADA)

R U L I N G

GENERAL

Permits 36252 and 36253 were issued on May 16, 1979 to the Douglas County School District for quasi-municipal and domestic use of underground water in a new school system including an elementary, middle and high school in Jack's Valley. The points of diversion are within the NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 12, T.14N., R.19E., M.D.M. and the place of use is within the SE $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$ said Section 12. Each permit is for 1.0 c.f.s. and the annual use from both permits must not exceed 32.85 million gallons.

Applications 42548 and 42549 were filed on September 30, 1980 by the Douglas County School District to change only the points of diversion of Permits 36253 and 36252. Wells had been drilled in March, April and May 1980 in different locations than given in Permits 36253 and 36252 and Applications 42548 and 42549 were filed to correct this. The wells were drilled closer to Valley View Subdivision than the permits specified. Application 42548 is to move Permit 36253 about 660 feet to the north-northeast in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ said Section 12. Application 42549 is to move Permit 36252 about 1360 feet to the northeast and into the SW $\frac{1}{4}$ NE $\frac{1}{4}$ said Section 12.

Applications 42793 and 42794 were filed on November 7, 1980 by the Indian Hills General Improvement District to change the place of use of Applications 42548 and 42549. The new place of use would include not only the school system area but also would include the Indian Hills General Improvement District lands within Sections 6, 7, 8, 17, 18 and 19, T.14N., R.20E., M.D.M. The quasi-municipal use would include not only the school system but also residential and commercial developments and the water would be commingled with water from all wells owned by the Indian Hills General Improvement District.

Protests were filed to Applications 42548, 42549, 42793 and 42749 on March 9, 1981 by "Residents of Valley View Subdivision, Unit No. 2".

Applications 42548 and 42549 were protested on the following grounds:

"The proposed point of diversion has already been drilled and cased in excess of 300 feet from the permitted point of diversion.

Said well has been drilled in a designated basin without the required prior issuance of a permit.

Valley View Subdivision is a recorded subdivision with approval based upon individual domestic wells on each lot. The right to the use of water is inherent with this approval and therefore, must be protected by the water law.

This point of diversion change is "after the fact" and is an attempt by the Indian Hills General Improvement District to obtain additional wells to supplement an unproven water system.

The original points of diversion (permits 36252 and 36253) were not protested by us since the distances and other considerations did not generate concern.

Due to the close proximity of the school wells to the domestic wells of our subdivision, the ground water withdrawal and the resulting sphere of influence could prove to be detrimental to our domestic water supply by an unreasonable lowering of the water table."

Applications 42793 and 42794 were protested on the following grounds:

"Water Permits have been issued to Douglas Co. School Dist. for the new Jack's Valley school complex. These permits were granted to serve the schools' water needs. By incorporating these wells within the I.H.G.I.D., the water could be used outside of Jack's Valley for purposes other than that which it was originally intended.

This application is an attempt by the I.H.G.I.D. to obtain additional water rights to supplement its unproven water system without applying for a new appropriation from the State Engineer.

Protestants intent is not to jeopardize the water supply for the school site, but to insure that the exportation of ground water in excess of that required by the school is not available for use by the I.H.G.I.D. to serve additional developments.

Exportation of ground water from Jack's Valley could prove to be detrimental to the existing domestic wells."

A field investigation was held on September 16, 1981. A report of the field investigation is available at the office of the State Engineer.

CONCLUSIONS

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

The State Engineer may deny a permit where the proposed use conflicts with existing rights or threatens to prove detrimental to the public welfare.

The proposed points of diversion under Applications 42548, 42549, 42793 and 42794 are closer to the domestic wells in Valley View Subdivision Unit #2 than are the points of diversion under Permits 36252 and 36253.

To allow the diversion of 32.85 million gallons annually from the drilled wells under Applications 42793 and 42794 to serve not only the school but the Indian Hills General Improvement District would conflict with existing rights and be detrimental to the public welfare.

It would not cause an unreasonable lowering of ground water levels to allow the drilled wells to serve the existing school by issuing Permits under Applications 42548 and 42549. This would require 7.29 million gallons annually.

Applications 42793 and 42794 can be permitted only to provide emergency fire protection for the Indian Hills General Improvement District. Adequate valves and meters must be installed to ensure that this is the only use made by Indian Hills General Improvement District of these wells.

RULING

The protests to Applications 42548 and 42549 are overruled and permits will be issued. The combined diversion rate under Permits 42548 and 42549 will be limited to 7.29 million gallons annually.

The protests to Applications 42793 and 42794 are upheld in part and overruled in part. Permits will be issued under Applications 42793 and 42794 but they will be limited to emergency fire protection use only. A valve and meter system must be designed to ensure that water from the wells is only used to supply the school and to provide fire protection on an emergency basis for the Indian Hills General Improvement District. The design of the valve and meter system must be approved by the Division of Water Resources before the existing school system is connected to the Indian Hills General Improvement District system.

Respectfully submitted,



Peter G. Morros
State Engineer

PGM/JC/bc

Dated this 29th day of
SEPTEMBER, 1981.