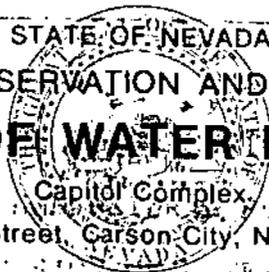


STATE OF NEVADA
DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES
DIVISION OF WATER RESOURCES



201 S. Fall Street, Carson City, Nevada 89710

In reply refer to
No.

Address All Communications to
the State Engineer, Division
of Water Resources
Telephone (702) 885-4380

32541, 41399, 44129,
44130, 44131, 44132,
44144, 44157, 44383,

5 in and matter of application for
6 approval of November 10, 1982
7 water right in Snake Valley
8 Groundwater Basin.

9 Mary Sue Roberts
10 717 El Vecino Avenue
11 Modesto, California 95350
12 Certified Mail No. P226 378 116

13 Robert F. and Marilyn L. Rusk
14 1338 Jones Street
15 Reno, Nevada 89503
16 Certified Mail No. P226 378 119

17 Ronald and Meredith Bath
18 7500 Chateau Road
19 Carson City, Nevada 89701
20 Certified Mail No. P226 378 117

21 Walter and Agatha Burch
22 7465 Old US Highway 395
23 Carson City, Nevada 89701
24 Certified Mail No. P226 378 120

25 Robert L. Weise dba
Lightning "W" Ranch
P. O. Box 1847
Carson City, Nevada 89701
Certified Mail No. P226 378 118

26 Fred Scarpello
27 303 East Proctor Street
28 Carson City, Nevada 89701
29 Certified Mail No. P226 378 121

Ladies and Gentlemen: Reno, Nevada

Enclosed is a copy of your application(s) which has been denied
by the State Engineer for the reasons set forth.

Very truly yours,

Peter G. Morros

Peter G. Morros
State Engineer

PGM/bc
Enclosure
cc: Eugene B. Longfield
C. J. Altemueller
Ellis R. Ferguson

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BEFORE THE DEPARTMENT OF CONSERVATION
AND NATURAL RESOURCES
DIVISION OF WATER RESOURCES

In the matter of applications)
to appropriate the public)
waters in Washoe Valley)
Groundwater Basin.)

TRANSCRIPT OF PROCEEDINGS
STATE ENGINEER'S DECISION

RENO CITY COUNCIL CHAMBERS
490 S. Center Street
Reno, Nevada

TUESDAY, OCTOBER 26, 1982

REPORTED BY: ERIC V. NELSON, CSR NO. 57

1 RENO, NEVADA, TUESDAY, OCTOBER 26, 1982, 1:02 P. M.

2 --o0o--

3
4 MR. MORROS: Okay. I just wanted to make sure.

5 Okay. I am going to rule on some of these
6 applications at this time. In relation to the applications
7 pending for municipal and quasi-municipal use, I am going
8 to honor the county's request for a continuance of this
9 hearing until that additional information is available.
10 I think the State Engineer has a responsibility to avail
11 himself of every bit of information that he can possibly
12 acquire prior to making his decisions.

13 I do take exception to your remarks,
14 Mr. Campbell, concerning any difference that the State
15 Engineer might have to delaying rulings in that matter as
16 an abuse of discretion. I think that is an implied
17 authority that is available to the State Engineer under
18 the express authority of the law. But in any case, I will
19 succumb to your request.

20 In the matter of Application 32541, and I have
21 made some notes here and I will read from my notes to make
22 sure that the record is clear, this application represents
23 a substantial request for water in support of irrigation
24 of new lands in an area of Washoe Valley that receives a
25 small percentage of the total recharge to the groundwater

1 basin. Applications to appropriate substantial amounts
2 of water for quasi-municipal purposes in this area have
3 been denied by the State Engineer in the past on the
4 grounds set forth in the State's Exhibits 5, 7 and 8, which
5 reflect previous rulings of the State Engineer.

6 Additionally, there are findings set forth under
7 Exhibit No. 6 declaring irrigation not to be a preferred
8 use of the limited resource in the basin.

9 I will not repeat those findings here but will
10 incorporate them in my ruling on this application by
11 reference since they are a matter of record by introduction
12 of the exhibits.

13 There has been no evidence, and the record in
14 the State Engineer's Office or the testimony presented at
15 this hearing, that would refute those findings or support
16 the allowance of this application in this area of
17 concentrated development. It is therefore my ruling that
18 Application 32541 is herewith denied on the grounds that
19 there would be an adverse effect on prior existing rights
20 and an adverse effect upon the existing concentration of
21 domestic wells in the area, therefore being detrimental
22 to the public interest and welfare.

23 The area I am referring to is the Washoe City
24 area.

25 In the matter of Application 45173, filed by

1 Washoe County, this application represents a request for
2 water also in an area of Washoe Valley that receives a
3 small percentage of the total recharge to the groundwater
4 basin. Applications to appropriate substantial amounts of
5 water for uses other than that identified under
6 Application 45173 have been denied in the past in this
7 area for the reasons set out in State's Exhibits 5, 7 and
8 8.

9 However, I feel that there is a strong public
10 interest and welfare issue involved in this application
11 represented by a public recreational facility which will
12 beneficially contribute to the immediate community.

13 Additionally, I don't think and there has not
14 been evidence presented or available to the State
15 Engineer that the relatively small amount of water
16 requested under Application 45173 will measurably affect
17 existing rights or the proper and orderly management of
18 the resource.

19 It is therefore my ruling that the use of
20 water described under Application 45173 is declared a
21 preferred use. The authority for such finding being
22 set out under NRS 534.120, the permit will be issued
23 under this application upon the receipt of the statutory
24 permit fees.

25 Now, in the matter of the irrigation applications,

1 and I will take applications 41399, 44129 through 44132,
2 inclusive, 44144 and 44157, 44383 as a group, since they
3 all represent requests for irrigation use.

4 Referring to State's Exhibit No. 6, previous
5 findings made by the State Engineer in the matter of
6 applications for irrigation purposes determined that the
7 consumptive use of additional groundwater to irrigate
8 additional land or to more intensively and frequently
9 irrigate other land is not considered to be a preferred
10 use of a limited water resource of the Washoe Valley
11 Groundwater Basin.

12 The additional withdrawal and consumption of
13 underground water for irrigation would therefore conflict
14 with existing rights and threaten to prove detrimental
15 to the public welfare. There has not been substantial
16 evidence or testimony presented at the hearing to refute
17 those findings nor to support the allocation of additional
18 water for irrigation purposes in Washoe Valley.

19 It is therefore my ruling that Applications
20 41399, 44129 through and including 44132, 44144, 44157
21 and 44383 are denied on the grounds that the granting of
22 additional groundwater for irrigation purposes in the
23 Washoe Valley Groundwater Basin would tend to impair the
24 value of existing rights, not be a preferred use of the
25 limited resource and not be in the public interest and

1 welfare.

2 There is one other application I am concerned
3 about, and that is Application 40565, Standard Investment
4 Group, Inc. This application is in support of a standby
5 well for an approved subdivision in the Washoe City area.

6 There is one other water right that is still in
7 good standing that provides a water supply for this
8 subdivision, and that is Permit 34738.

9 Very frankly, I was disappointed there was
10 nobody here today to speak on behalf of this application.
11 I am going to withhold action on this application until
12 we have had the opportunity to try to contact whoever is
13 responsible. At this point I understand they have had some
14 financial difficulties out there. It had been my intent to
15 approve the application as a standby well for an
16 existing community water system, supported by an active
17 permit in good standing. But I will have to waylay any
18 ruling in this matter until we have had an opportunity to
19 contact persons or parties responsible for this
20 application.

21 Again, I will repeat that I am going to continue
22 this hearing and recess it until further notice for the
23 purposes of considering action on the remaining
24 applications that were noticed for this hearing today.
25 With that I will declare the hearing recessed until
further notice.

(At 5:37 p.m. the hearing was
recessed.)