

IN THE OFFICE OF THE STATE ENGINEER

IN THE MATTER OF APPLICATIONS 35202, )  
38076, 38077, 38344, 38345, 41458, 41459, )  
41460, 43700, 45674, 46367, 46451, 46475, )  
46476, 46477, 46478, 46479, 46480, 46481, )  
46482, 46483, 46486, 46487 AND 47662 FILED )  
TO APPROPRIATE THE PUBLIC WATERS )  
FROM SURFACE AND UNDERGROUND )  
SOURCES IN WASHOE VALLEY, WASHOE )  
COUNTY, NEVADA. )

RULING

GENERAL

I.

Application 35202 was filed on March 20, 1978, by Roger Gash to appropriate 0.005 c.f.s. of water from Caille Springs for recreation (fish and game propagation) and domestic purposes within the SE1/4 NE1/4 Section 34, T.17N., R.19E., M.D.B.&M. The point of diversion is described as being within the SE1/4 NE1/4 Section 34, T.17N., R.19E., M.D.B.&M.<sup>1</sup>

II.

Application 38076 was filed on May 1, 1979, by John C. Serpa to appropriate 4.7 c.f.s. of water from an underground source for irrigation purposes on 235 acres of land within the SW1/4 and W1/2 SE1/4 Section 5, T.16N., R.20E., M.D.B.&M. The point of diversion is described as being within the SW1/4 SE1/4 Section 5, T.16N., R.20E., M.D.B.&M.<sup>1</sup>

III.

Application 38077 was filed on May 1, 1979, by John C. Serpa to appropriate 4.9 c.f.s. of water from an underground source for municipal and domestic purposes on 450 residential lots within the SW1/4 and W1/2 SE1/4 Section 5, T.16N., R.20E., M.D.B.&M. The point of diversion is described as being within the SW1/4 SE1/4 Section 5, T.16N., R.20E., M.D.B.&M.<sup>1</sup>

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<sup>1</sup> Public record in the office of the State Engineer 35202, 38076, 38077, 38344, 38345, 41458, 41459, 41460, 43700, 45674, 46367, 46451, 46475, 46476, 46477, 46478, 46479, 46480, 46481, 46482, 46483, 46486, 46487 and 47662.

IV.

Application 38344 was filed on June 15, 1979, by Melvin A. and Lenard D. Robison to appropriate 1.23 c.f.s. of water from an underground source for quasi-municipal and domestic purposes on 200 residential lots within portions of Sections 10, 11, 14 and 15, T.16N., R.19E., M.D.B.&M. The point of diversion is described as being within the NW1/4 NE1/4 Section 10, T.16N., R.19E., M.D.B.&M. Ownership of Application 38344 was transferred to Washoe Development Company<sup>1</sup>

Application 38344 was protested on May 30, 1980, by Jack Bacon, Robert and Lillian Martin and Ramon and Abigail Ryan Schmutz on the following grounds:<sup>1</sup>

"Protestants are the owners of record of Permit 9268, Certificate 2543, with a date of priority of June 3, 1930. The point of diversion of Permit 9268 is quite close to that requested by applications 38344 and 38345. Clearly, they are all within the same ground water basin.

On March 1, 1978, the State Engineer issued an Order designating the Washoe Valley ground water basin. Such action is invariably taken by the State Engineer when the actual yield, or the demand from a ground water basin, exceeds the annual recharge. As such, the statutory provisions as more particularly set forth in Chapter 534 of Nevada Revised Statutes are revoked. Pursuant to the Designation Order, the State Engineer has refused to issue certain requested permits as set forth on his ruling of December 27, 1978.

On March 27, 1978, protestants filed Application 35218 with the Nevada State Engineer seeking a small volume of water from the identical ground water source and with the same point of diversion as Permit 9268.

On December 27, 1978, Roland D. Westergard, the then State Engineer, denied Application 35218 (together with applications 34893, 35048, 35254 and 25695). In part, that ruling reads as follows:

'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.' (Finding of Fact IV)

And further, the State Engineer said:

'Should applications 34893, 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.' (Finding of Fact VII)

And further, the State Engineer stated:

'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.'  
(Conclusion III)

Pursuant to the Designation Order, and the ruling of December 27, 1978, the State Engineer has refused to issue certain requested permits where the proposed source of supply was in the Washoe Valley designated ground water basin.

NRS 533.370(4) reads in part as follows:

'Where there is no unappropriated water in the proposed source of supply, or where its proven use or change conflicts with existing rights, or threatens to prove detrimental to the public interest, the State Engineer shall reject the application and refuse to issue the permit asked for.'

The State Engineer quoted the above statute in Conclusion II. That ruling is hereby incorporated herein.

It is requested the State Engineer deny applications 38344 and 38345 for the following specific reasons:

1. As previously set forth in the Designation Order, and the ruling denying certain applications, the annual recharge is less than the demand and actual pumping. Consequently, there is no unappropriated water. That being true, the State Engineer is required by law to deny applications 38344 and 38345.

2. The two proposed wells of applicant are in the near proximity of Permit 9268. To grant applications 38344 and 38345 would adversely affect Permit 9268 and prove detrimental to the public interest.

3. In the event Permits 38344 and 38345 were granted, it is Protestants' position that the developing of ground water by the applicant would unreasonably lower the ground water table. Consequently protestants would be required to invoke the provisions of NRS 534.110(6) and request the State Engineer curtail pumping to conform to priority rights. This action would be detrimental to the public interest, as the homes being served by these prospective wells would not have a firm source of supply.

As set forth in the State Engineer's ruling of December 27, 1978, and affirmed by protestants, the State Engineer is prohibited by law from granting a permit when any of the three above-referenced elements are present. Either ground or basis is an independent means upon which the State Engineer is required by law to deny the applications. Since all three grounds are present, the State Engineer must deny applications 38344 and 38345." (Emphasis in original)

V.

Application 38345 was filed on June 15, 1979, by Melvin A. and Lenard D. Robison to appropriate 1.0 c.f.s. of water from an underground source for quasi-municipal and domestic purposes on 200 residential lots within portions of Sections 10, 11, 14 and 15, T.16N., R.19E., M.D.B.&M. The point of diversion is described as being within the NW1/4 NE1/4 Section 10, T.16N., R.19E., M.D.B.&M. On February 2, 1984, ownership of Application 38345 was transferred to Washoe Development Company.<sup>1</sup>

Application 38345 was protested on May 30, 1980, by Jack Bacon, Robert and Lillian Martin and Ramon and Abigail Ryan Schmutz on the same grounds as set forth under protest to Application 38344.<sup>1</sup>

VI.

Application 41458 was filed on June 4, 1980, by Grant J. Weise to appropriate 1.0 c.f.s. of water from an underground source for quasi-municipal purposes on 200 residential lots within Section 27, S1/2 Section 22, SW1/4 Section 23, W1/2 Section 26 and the E1/2 Section 28, T.16N., R.19E., M.D.B.&M. The point of diversion is described as being within the NW1/4 NW1/4 Section 26, T.16N., R.19E., M.D.B.&M.<sup>1</sup>

VII.

Application 41459 was filed on June 4, 1980, by Grant J. Weise to appropriate 1.0 c.f.s. of water from an underground source for quasi-municipal purposes on 200 residential lots within Section 27, S1/2 Section 22, SW1/4 Section 23, W1/2 Section 26 and the E1/2 Section 28, T.16N., R.19E., M.D.B.&M. The point of diversion is described as being within the SW1/4 SW1/4 Section 22, T.16N., R.19E., M.D.B.&M.<sup>1</sup>

VIII.

Application 41460 was filed on June 4, 1980, by Grant J. Weise to appropriate 1.0 c.f.s. of water from an underground source for quasi-municipal purposes on 200 residential lots within Section 27, S1/2 Section 22, SW1/4 Section 23, W1/2 Section 26 and the E1/2 Section 28, T.16N., R.19E., M.D.B.&M. The point of diversion is described as being within the NW1/4 SW1/4 Section 27, T.16N., R.19E., M.D.B.&M.<sup>1</sup>

IX.

Application 43700 was filed on May 8, 1981, by Carson City to appropriate 6.0 c.f.s. of water from an underground source for municipal purposes within the service area of the Carson City municipal water system described as all of T.15N., R.20E., M.D.B.&M.; E1/2 of T.15N., R.19E., M.D.B.&M.; Sections 2, 3, 4, E1/2 Section 5, and that portion of the N1/2 of the NE1/4 of Section 6 which lies within Carson City limits, T.14N., R.20E., M.D.B.&M.; Sections 31, 32, 33, 34, 35, W1/2 Section 36 and those portions of the E1/2 of Section 36 which lie within Carson City limits T.16N., R.20E., M.D.B.&M.; the S1/2 of Sections 34, 35 and 36, NE1/4 Section 36, and those portions of the SW1/4, NW1/4 Section 36 and the S1/2 NE1/4 Section 35 which lie within the Carson City limits T.16N., R.19E., M.D.B.&M. The point of diversion is described as being within the SW1/4 SE1/4 Section 23, T.16N., R.19E., M.D.B.&M.<sup>1</sup>

X.

Application 45674 was filed on May 17, 1982, by Carson City to appropriate 3.0 c.f.s. of water from an underground source for municipal purposes within the service area of the Carson City municipal water system described as all of T.15N., R.20E., M.D.B.&M.; E1/2 of T.15N., R.19E., M.D.B.&M.; Sections 2, 3, 4, E1/2 Section 5, and that portion of the N1/2 of the NE1/4 of Section 6 which lies within Carson City limits, T.14N., R.20E., M.D.B.&M.; Sections 31, 32, 33, 34, 35, W1/2 Section 36 and those portions of the E1/2 of Section 36 which lie within Carson City limits T.16N., R.20E., M.D.B.&M.; the S1/2 of Sections 34, 35 and 36, NE1/4 Section 36, and those portions of the SW1/4, NW1/4 Section 36 and the S1/2 NE1/4 Section 35 which lie within the Carson City limits T.16N., R.19E., M.D.B.&M. The point of diversion is described as being within the NW1/4 NW1/4 Section 36, T.16N., R.19E., M.D.B.&M.<sup>1</sup>

Application 45674 was protested on November 15, 1982, by William A. Molini for the Nevada Department of Wildlife on the following grounds:<sup>1</sup>

"Our Department has serious concerns regarding the potential impact of this appropriation upon the wildlife resources of Washoe Lake.

Big and Little Washoe Lakes and the interconnecting channel areas are important to the Department of Wildlife and the public of the State of Nevada for the valuable fisheries, waterfowl and other wetland wildlife populations which they support. Scripps Wildlife Management Area, which is owned by the Nevada Department of Wildlife, is entirely dependent upon an adequate water supply to remain functional. To supplement this supply, the Nevada Department of Wildlife has two artesian drilled wells under certificate numbers 6237 and 6238 and two deep water drilled wells under certificate numbers 8106 and 9075.

It is presently suspected that groundwater pumping in Washoe Valley is in excess of recharge capabilities. The removal of an additional 3.0 cfs, as requested in application number 45674, has the potential of deleting surface elevations of Big and Little Washoe Lakes and depleting underground supplies, causing severe impacts upon wildlife.

It is the request of the Nevada Department of Wildlife that this application be denied unless evidence is provided that substantiates the availability of water supplies in Washoe Valley above and beyond the needs of the present users and sufficient to fill this additional request."

XI.

Application 46367 was filed on November 16, 1982, by Robert L. Weise to appropriate 1.0 c.f.s. of water from an underground source for quasi-municipal purposes within 60 residential units within the S1/2 SE1/4 and N1/2 SE1/4 Section 22, T.16N., R.19E., M.D.B.&M. The point of diversion is described as being within the SW1/4 SE1/4 Section 22, T.16N., R.19E., M.D.B.&M.<sup>1</sup>

XII.

Application 46451 was filed on December 20, 1982, by Nell J. Redfield Trust, c/o Quadriga Development Company, to appropriate 1.0 c.f.s. of water from an underground source for quasi-municipal purposes within a planned unit development of 4,000 units within Sections 13, 14, 23, 24, 25 and 26, T.17N., R.18E., M.D.B.&M., and Sections 7, 8, 17, 18, 19, 20 and the N1/2 Sections 29 and 30, T.17N., R.19E., M.D.B.&M. The point of diversion is described as being within the SE1/4 SE1/4 Section 26, T.17N., R.18E., M.D.B.&M.<sup>1</sup>

XIII.

Application 46475 was filed on December 27, 1982, by Washoe County to appropriate 2.0 c.f.s. of water from an underground source for quasi-municipal purposes within Sections 23, 24, 25, 26, 27, 34, 35, 36, T.17N., R.19E., M.D.B.&M.; Sections 19, 29, 30, 31, 32, T.17N., R.20E., M.D.B.&M.; Sections 4, 5, 6, 7, 8, 9, 16, 17, 18, 19, 20, N1/2 Section 30, T.16N., R.20E., M.D.B.&M.; Sections 1, 2, 3, 4, 9, 10, 11, 12, 13, 14, 15, 16, 21, 22, 23, 24, 25, 26, 27, 28, N1/2 Section 35, NW1/4 Section 36, T.16N., R.19E., M.D.B.&M. The point of diversion is described as being within the SW1/4 NW1/4 Section 24, T.17N., R.19E., M.D.B.&M.<sup>1</sup>

XIV.

Application 46476 was filed on December 27, 1982, by Washoe County to appropriate 2.0 c.f.s. of water from an underground source for quasi-municipal purposes within Sections 23, 24, 25, 26, 27, 34, 35, 36, T.17N., R.19E., M.D.B.&M.; Sections 19, 29, 30, 31, 32, T.17N., R.20E., M.D.B.&M.; Sections 4, 5, 6, 7, 8, 9, 16, 17, 18, 19, 20, N1/2 Section 30, T.16N., R.20E., M.D.B.&M.; Sections 1, 2, 3, 4, 9, 10, 11, 12, 13, 14, 15, 16, 21, 22, 23, 24, 25, 26, 27, 28, N1/2 Section 35, NW1/4 Section 36, T.16N., R.19E., M.D.B.&M. The point of diversion is described as being within the SW1/4 SW1/4 Section 26, T.17N., R.19E., M.D.B.&M.<sup>1</sup>

XV.

Application 46477 was filed on December 27, 1982, by Washoe County to appropriate 2.0 c.f.s. of water from an underground source for quasi-municipal purposes within Sections 23, 24, 25, 26, 27, 34, 35, 36, T.17N., R.19E., M.D.B.&M.; Sections 19, 29, 30, 31, 32, T.17N., R.20E., M.D.B.&M.; Sections 4, 5, 6, 7, 8, 9, 16, 17, 18, 19, 20, N1/2 Section 30, T.16N., R.20E., M.D.B.&M.; Sections 1, 2, 3, 4, 9, 10, 11, 12, 13, 14, 15, 16, 21, 22, 23, 24, 25, 26, 27, 28, N1/2 Section 35, NW1/4 Section 36, T.16N., R.19E., M.D.B.&M. The point of diversion is described as being within the SW1/4 SW1/4 Section 35, T.17N., R.19E., M.D.B.&M.<sup>1</sup>

XVI.

Application 47478 was filed on December 27, 1982, by Washoe County to appropriate 2.5 c.f.s. of water from an underground source for quasi-municipal purposes within Sections 23, 24, 25, 26, 27, 34, 35, 36, T.17N., R.19E., M.D.B.&M.; Sections 19, 29, 30, 31, 32, T.17N., R.20E., M.D.B.&M.; Sections 4, 5, 6, 7, 8, 9, 16, 17, 18, 19, 20, N1/2 Section 30, T.16N., R.20E., M.D.B.&M.; Sections 1, 2, 3, 4, 9, 10, 11, 12, 13, 14, 15, 16, 21, 22, 23, 24, 25, 26, 27, 28, N1/2 Section 35, NW1/4 Section 36, T.16N., R.19E., M.D.B.&M. The point of diversion is described as being within the SW1/4 SE1/4 Section 11, T.16N., R.19E., M.D.B.&M.<sup>1</sup>

XVII.

Application 46479 was filed on December 27, 1982, by Washoe County to appropriate 1.0 c.f.s. of water from an underground source for quasi-municipal purposes within Sections 23, 24, 25, 26, 27, 34, 35, 36, T.17N., R.19E., M.D.B.&M.; Sections 19, 29, 30, 31, 32, T.17N., R.20E., M.D.B.&M.; Sections 4, 5, 6, 7, 8, 9, 16, 17, 18, 19, 20, N1/2 Section 30, T.16N., R.20E., M.D.B.&M.; Sections 1, 2, 3, 4, 9, 10, 11, 12, 13, 14, 15, 16, 21, 22, 23, 24, 25, 26, 27, 28, N1/2 Section 35, NW1/4 Section 36, T.16N., R.19E., M.D.B.&M. The point of diversion is described as being within the SW1/4 SE1/4 Section 23, T.16N., R.19E., M.D.B.&M.<sup>1</sup>

XVIII.

Application 47480 was filed on December 27, 1982, by Washoe County to appropriate 0.5 c.f.s. of water from an underground source for quasi-municipal purposes within Sections 23, 24, 25, 26, 27, 34, 35, 36, T.17N., R.19E., M.D.B.&M.; Sections 19, 29, 30, 31, 32, T.17N., R.20E., M.D.B.&M.; Sections 4, 5, 6, 7, 8, 9, 16, 17, 18, 19, 20, N1/2 Section 30, T.16N., R.20E., M.D.B.&M.; Sections 1, 2, 3, 4, 9, 10, 11, 12, 13, 14, 15, 16, 21, 22, 23, 24, 25, 26, 27, 28, N1/2 Section 35, NW1/4 Section 36, T.16N., R.19E., M.D.B.&M. The point of diversion is described as being within the NW1/4 NW1/4 Section 36, T.16N., R.19E., M.D.B.&M.<sup>1</sup>

XIX.

Application 46481 was filed on December 27, 1982, by Washoe County to appropriate 1.5 c.f.s. of water from an underground source for quasi-municipal purposes within Sections 23, 24, 25, 26, 27, 34, 35, 36, T.17N., R.19E., M.D.B.&M.; Sections 19, 29, 30, 31, 32, T.17N., R.20E., M.D.B.&M.; Sections 4, 5, 6, 7, 8, 9, 16, 17, 18, 19, 20, N1/2 Section 30, T.16N., R.20E., M.D.B.&M.; Sections 1, 2, 3, 4, 9, 10, 11, 12, 13, 14, 15, 16, 21, 22, 23, 24, 25, 26, 27, 28, N1/2 Section 35, NW1/4 Section 36, T.16N., R.19E., M.D.B.&M. The point of diversion is described as being within the SE1/4 SW1/4 Section 8, T.16N., R.20E., M.D.B.&M.<sup>1</sup>

XX.

Application 46482 was filed on December 27, 1982, by Washoe County to appropriate 7.6 c.f.s. of water from a spring for quasi-municipal purposes within Sections 23, 24, 25, 26, 27, 34, 35, 36, T.17N., R.19E., M.D.B.&M.; Sections 19, 29, 30, 31, 32, T.17N., R.20E., M.D.B.&M.; Sections 4, 5, 6, 7, 8, 9, 16, 17, 18, 19, 20, N1/2 Section 30, T.16N., R.20E., M.D.B.&M.; Sections 1, 2, 3, 4, 9, 10, 11, 12, 13, 14, 15, 16, 21, 22, 23, 24, 25, 26, 27, 28, N1/2 Section 35, NW1/4 Section 36, T.16N., R.19E., M.D.B.&M. The point of diversion is described as being within the NW1/4 SE1/4 Section 12, T.16N., R.19E., M.D.B.&M.<sup>1</sup>

XXI.

Application 46483 was filed on December 27, 1982, by Washoe County to appropriate 35.0 c.f.s. of water from Washoe Lake and tributaries for quasi-municipal purposes within Washoe Lake on unsurveyed land lying within that portion of T.17N., R.19E., M.D.B.&M.; Sections 24, 25, 26, 35 and 36, T.16N., R.19E., M.D.B.&M.; Sections 1, 2, 11, 12, 13, 14, 23 and 24, and T.16N., R.20E., M.D.B.&M.; Sections 6, 7, 17, 18, 19 and 20, the meander line defined on the supporting map as elevation 5027 feet mean sea level. The point of diversion is described as being within the NW1/4 SE1/4 Section 12, T.16N., R.19E., M.D.B.&M.<sup>1</sup>

XXII.

Application 46486 was filed on December 27, 1982, by Washoe County to appropriate 70.0 c.f.s. of water from Washoe Lake and tributaries for quasi-municipal and storage purposes within Washoe Lake on unsurveyed land lying within that portion of T.17N., R.19E., M.D.B.&M.; Sections 24, 25, 26, 35 and 36, T.16N., R.19E., M.D.B.&M.; Sections 1, 2, 11, 12, 13, 14, 23 and 24, and T.16N., R.20E., M.D.B.&M.; Sections 6, 7, 17, 18, 19 and 20, the meander line defined on the supporting map as elevation 5027 feet mean sea level and below. The point of diversion is described as being within the NW1/4 SE1/4 Section 12, T.16N., R.19E., M.D.B.&M. This application proposes to store 26,900 acre-feet of water.<sup>1</sup>

XXIII.

Application 46487 was filed on December 27, 1982, by Washoe County to appropriate 101.100 c.f.s. of water from Washoe Lake and tributaries for quasi-municipal purposes and storage within that portion of T.17N., R.19E., M.D.B.&M. Sections 23, 24, 25, 26, 27, 34, 35 and 36, T.17N., R.20E., M.D.B.&M. Sections 19, 29, 30, 31 and 32, T.16N., R.20E., M.D.B.&M. Sections 4, 5, 6, 7, 8, 9, 16, 17, 18, 19, 20, N1/2 Section 30, T.16N., R.19E., M.D.B.&M. Sections 1, 2, 3, 4, 9, 10, 11, 12, 13, 14, 15, 16, 21, 22, 23, 24, 25, 26, 27, 28, N1/2 Section 35 and NW1/4 Section 36 as defined on the supporting map as a zone which extends from 5 feet below the natural land surface to a horizontal plane approximately at elevation 4952 feet mean sea level. The point of diversion is described as being within the NW1/4 SE1/4 Section 12, T.16N., R.19E., M.D.B.&M.<sup>1</sup>

Applications 46475, 46476, 46477, 46478, 46479, 46480, 46481, 46482, 46483, 46486 and 46487 were protested on June 2, 1983, by the Washoe Lake Reservoir and Galena Creek Ditch Company on the grounds that:<sup>1</sup>

"We represent Washoe Lake Reservoir and Galena Creek Ditch Co. and downstream users who have deeded water rights from Washoe Lake and its tributaries.

We urge this be denied because quasi-municipal would preclude agriculture use in dry years which water we depend on for our livelihood."

On June 2, 1983, by Nevada J H Ranch on the following grounds:<sup>1</sup>

"Removal of any surface waters in Washoe Valley will cause serious strain upon, and depletion of, our existing underground and surface water rights, and will severely curtail operation income producing fields due to lack of sufficient irrigation waters which are necessary to the function of our ranch. If storage application is granted, it would be open to further appropriation through changes in points of diversion and manner of use."

On June 2, 1983, by Franktown Creek Ranch on the following grounds:<sup>1</sup>

"Removal of any surface or underground waters in Washoe Valley will cause serious strain upon, and depletion of, our existing underground and surface water rights, and will severely curtail operational income producing fields due to lack of sufficient irrigation waters which are necessary to the function of our ranch."

On June 2, 1983, by D. Aken, W. Clements, S. Clements, R. Kitchen, J. Cox, C. Cox, E. Ferro, J. Ferro, D. Sheltra and R. Sheltra, Jr., on the following grounds:<sup>1</sup>

"Water application permit numbers 46475 through 46487, for water storage in Washoe Lake, which includes water from springs, unnamed tributaries and underground sources, have all been requested as quasi-municipal rights. Several of the individual requests address active quasi-municipal annual consumptive use.

It is our belief that if these storage applications are granted, that the ground water level will drop in the areas of extensive pumping, and in the areas of stream tributary diversions. Each of the protestants has experienced severe lowering, or complete loss of, domestic well waters. This would indicate that further extensive pumping would adversely affect both domestic and permitted rights. Extensive pumping of the ground waters would have a conal draw down effect on the available water table throughout Washoe Valley.

Granting of storage rights under quasi-municipal rights would have the entire valley vulnerable to potential loss of water through changes in points of diversion and manner of use of these rights by Washoe County. Permits 46475 through 46482 address immediate use of 5500 AF for quasi-municipal purposes to serve approximately 500 persons. Permit 46483 requests 23,100 AF for lake stablization and to serve 500 persons. Permits 46484 through 46485 each requests 250 AF for quasi-municipal purpose to serve 500 persons. It is unclear to the protestants what Washoe County's intent is on service to the 2000 total persons mentioned for annual consumptive use in permit numbers 46475 through 46485.

For the above stated reasons the protestants therefore request permits 46475 through 46487 be denied." (Emphasis in original)

Applications 46476, 46477, 46478, 46479, 46480, 46482, 46483, 46486 and 46487 were protested on June 2, 1983, by Donald A. and Norman E. Cliff, James H. Lathrop, dba Cliff Brothers Ranch, and Norman Evans dba Black Gold Arabians, on the following grounds:<sup>1</sup>

"We are opposed to taking any water out of the Washoe Valley basin as we feel it will adversely affect our existing irrigation and livestock wells."

Application 46482 was protested on June 2, 1983, by Robert F. Rusk on the following grounds:<sup>1</sup>

"This application and application numbers 46475, 46476, 46477, 46478, 46479, 46480 and 46481 would constitute large quantities of water, which, when withdrawn, would adversely affect my irrigation and domestic water rights which have been previously appropriated through your office.

The applicant is not currently in the business of operating a water company in this area and, to the best of my knowledge, has not budgeted the funds necessary to develop the water. Furthermore, the applicant has not designated a transmission system to accompany the diversions."

Applications 46483, 46486 and 46487 were protested on June 2, 1983 by Robert F. Rusk on the following grounds:<sup>1</sup>

"Withdrawal of the large quantities of water requested would adversely affect my irrigation and domestic water rights which have been previously appropriated through your office.  
The applicant is not currently in the business of operating a water company in this area and, to the best of my knowledge, has not budgeted the funds necessary to develop the water. Furthermore, the applicant has not designated a transmission system to accompany the diversions."

Applications 46482, 46483 and 46487 were protested on June 2, 1983, by Shyrl Bailey on the following grounds:<sup>1</sup>

"It would be detrimental to the irrigation of my land as it is presently maintained."

Application 46482 was protested on June 2, 1982, by Dean McMullin on the following grounds:<sup>1</sup>

"Would seriously injure existing water rights granted and perfected by Franktown decree."

XXIV.

Application 47662 was filed on February 7, 1984, by Thomas J. Beerman to appropriate 0.30 c.f.s. of water from an underground source for commercial and domestic purposes within the SW1/4 NW1/4 and SE1/4 NW1/4 Section 26, T.17N., R.19E., M.D.B.&M. The point of diversion is described as being within the SE1/4 NW1/4 Section 26, T.17N., R.19E., M.D.B.&M.<sup>1</sup>

XXV.

Under the provisions of NRS 533.363, the State Engineer is required, under certain circumstances, to notify Boards of County Commissioners where the export of water across county boundaries is involved. Applications 43700 and 45674, filed by Carson City, seek points of diversion of water in Washoe County (Washoe Valley Hydrographic Basin) for use in Carson City (Eagle Valley Hydrographic Basin). Recommendations in compliance with the statute were received by the State Engineer from the Washoe County Board of Commissioners.<sup>2</sup>

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<sup>2</sup> See Appendix "A" and "B" - recommendations are public record in the office of the State Engineer under Applications 43700 and 45674.

XXVI.

Public administrative hearings before the State Engineer in the matter of the subject applications to appropriate were held on the following dates:

October 26, 1982;<sup>3</sup>  
November 14 through 16, 1984;  
November 20, 1984;  
December 13, 1984.

Extensive evidentiary presentations by the applicants and protestants were introduced into the record in support of and in opposition to the individual applications.<sup>4</sup> The State Engineer took administrative notice<sup>5</sup> of all records and information available in the State Engineer's office which includes but is not limited to several studies relating to water resources analysis and appraisal of surface water and ground water systems within Washoe Valley and adjacent basins.<sup>6</sup> Additionally, the State Engineer received numerous letters and petitions signed by and represented to be property owners within the Washoe Valley Basin<sup>7</sup> and a resolution from the Board of County Commissioners of Washoe County.<sup>8</sup>

FINDINGS OF FACT

I.

The location, physiographic, geologic and hydrogeologic setting of the Washoe Valley surface and ground water systems are described and set forth by various exhibits and testimony entered into the record before the State Engineer.<sup>4</sup>

The Washoe Valley hydrographic area encompasses a land area of approximately 81 square miles. 53 square miles constitute the mountain block and 28 square miles the valley floor. The external hydraulic boundaries of the valley are formed by the consolidated rocks bounded on the west by the Carson Range of the Sierra Nevada and on the east by the Virginia Range. The valley floor generally consists of a structural depression partly filled with sedimentary materials dominated by semiconsolidated to unconsolidated lenses of stream gravel, sand, clay, and silt. The thickness of these valley fill deposits exceeds 1000 feet in mid valley.

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<sup>3</sup> The hearing of October 26, 1982, was recessed pending the availability of U.S. Geological Survey Open File Report 84-465 titled "Hydrology of Washoe Valley, Washoe County, Nevada." An additional hearing was set but was vacated by order of the Second Judicial District Court of the State of Nevada in and for the County of Washoe. See State of Nevada Exhibit No. 10.

<sup>4</sup> See transcripts of public hearings, public record in the office of the State Engineer.

<sup>5</sup> See transcript of public hearing of October 26, 1982, page 5.

<sup>6</sup> See references Appendix "C".

<sup>7</sup> Public record in the office of the State Engineer.

<sup>8</sup> See State of Nevada Exhibit No. 3.

A significant and prominent physiographic element of the hydrologic system is Washoe and Little Washoe Lakes which occupy approximately one-fourth of the valley floor. The lakes, at medium and low-level stages, are separated by a swampy or wetlands area but at high water levels form a single body of water.

Several streams rise in the mountain block particularly on the west side of the valley and form recharge boundaries where the live-stream segments flow across the valley floor. The principal streams on the west side are Franktown and Ophir Creeks and on the east side, Jumbo Creek. These streams have been adjudicated and the limit and extent of the relative rights determined.<sup>9</sup> In addition, the waters of Big and Little Washoe Lakes are subject to rights set out under the Truckee River Decree.<sup>29</sup> Outflow of surface water from Washoe Valley to Steamboat Creek is regulated and controlled by a small dam at the northwest end of Little Washoe Lake. Steamboat Creek is a tributary to the Truckee River. The limit and extent of the water rights of the Truckee River and tributaries has been determined and are set forth in the final decree titled The United States of America vs. Orr Water Ditch Company, et al., in equity docket No. A3 U.S. District Court in and for the District of Nevada.

## II.

Urbanization in Washoe Valley has been active in recent years concentrated mainly in the north and east portions of the valley. Concentrations of domestic wells<sup>10</sup> and individual septic systems have developed principally in the New Washoe City area.

The Scripps Wildlife Management area covers a significant portion of the area north of Washoe Lake and functions primarily as a sanctuary for water fowl and other raptorial birds. Washoe and Little Washoe Lakes have become increasingly valuable as public recreational facilities and fisheries.<sup>11</sup> These uses provide significant public benefits.

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<sup>9</sup> The limit and extent of the relative rights to McEwen Creek, Mahala Springs, Bryan Creek, Murgrove Creek, Lewers Creek, Franktown Creek, Bowers overflow, Ophir Creek, Davis Creek, Fish Hatchery Spring, Winters Creek, Browns Creek, Jumbo Creek, Newton Creek and Deadmans Canyon Creek have been adjudicated and determined. Decrees have been entered by the Second Judicial District Court in and for the County of Washoe, State of Nevada. These decrees are public record in the office of the State Engineer.

<sup>10</sup> Domestic well logs on file in the office of the State Engineer, also State of Nevada Exhibit No. 12, page 6.

<sup>11</sup> State of Nevada Exhibit Nos. 12 and 14. See testimony of Mark A. Warren, public hearing November 15, 1984, pages 3 through 7, Volume II. The State of Nevada and Washoe County have developed public park facilities in Washoe Valley. See also footnote 21.

III.

In 1967, the U.S. Geological Survey in cooperation with the Nevada Department of Conservation and Natural Resources conducted a reconnaissance level water resources appraisal of Washoe Valley.<sup>12</sup> The objectives of the study were to appraise and describe the major hydrologic components of the valley including (1) the source, occurrence, movement, storage and chemical quality of water in the valley; (2) estimate average annual recharge to and discharge from the ground water reservoir; (3) provide a preliminary estimate of the system yield; and, (4) evaluate present and potential water development.

In 1984, the U.S. Geological survey in cooperation with the Washoe County Regional Administrative Planning Agency prepared an additional report on the hydrology of the valley for the purpose of re-evaluating the hydrologic budget developed in the previous study based on additional information and newly developed techniques.<sup>13</sup> This study included quantitative evaluation of (1) the saturated thickness of the valley fill, (2) the amount and areal distribution of precipitation and (3) the quantity of lake-surface evaporation. The study was supported by (1) a newly developed precipitation map of Washoe Valley; (2) a newly developed technique on precipitation and water yield for mountain areas, (3) data on the water-surface altitude of Washoe and Little Washoe Lakes, and (4) additional data from geologic maps and related material. Water budgets for conditions in 1965 and 1980 were developed by these studies.

In 1972, a bathymetric reconnaissance survey of Big and Little Washoe Lakes was conducted by the U.S. Geological Survey and the Nevada Division of Water Resources which provided factual data and information on bathymetry and historic lake stages.<sup>14</sup>

Extensive testimony was provided by the U.S. Geological Survey and other expert witnesses at the administrative hearings before the State Engineer concerning the studies.<sup>4</sup>

IV.

Washoe Valley was described and designated by the State Engineer on March 1, 1978, as a ground water basin in need of additional administration under the provisions of NRS Chapter 534.<sup>15</sup>

V.

Existing ground water rights in Washoe Valley presently total over 10,000 acre-feet annually of which 7000 acre-feet are certificated and 3000 acre-feet are permitted.<sup>16</sup>

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<sup>12</sup> See transcript of public hearing, October 26, 1982, page 4.

<sup>13</sup> State of Nevada Exhibit No. 12.

<sup>14</sup> State of Nevada Exhibit No. 14.

<sup>15</sup> State of Nevada Exhibit No. 4.

<sup>16</sup> State of Nevada Exhibits No. 2 and 13.

VI.

The State Engineer has denied applications to appropriate ground water for irrigation and other purposes in Washoe Valley in the past. Additionally, the State Engineer has declared the use of ground water for irrigation purposes to be a non-preferred use of the limited resource.<sup>17</sup>

VII.

Precipitation that falls on the mountain watershed areas adjacent to the valley floor is the principal source of water entering the hydrologic system of Washoe Valley. Rush (1967) estimated the average annual precipitation on the drainage basin at 87,000 acre-feet annually while Arteaga-Nichols (1984) estimated the mean annual precipitation at 108,600 acre-feet annually. This difference is attributed to the updated precipitation data utilized for the later study and, additionally, Rush (1967) had not accounted for all precipitation on the valley floor, primarily the lake surface areas. In determining the water yield from the mountain area, Arteaga-Nichols (1984) utilized a relation between precipitation and water yield previously developed in a study of adjacent Eagle Valley which relies on a more sophisticated weighted average precipitation for each individual drainage.<sup>18</sup>

VIII.

Lake surface evaporation and evapotranspiration constitute major components of the hydrologic system of Washoe Valley. Conclusions and interpretations developed by Rush (1967) were substantially based on estimates since there was little hard record or data on lake stages or the lake surface areas. Rush additionally did not account for nor map vegetation on the east side of the valley floor. Arteaga-Nichols (1984) utilized actual lake stage records and bathymetric recon data to more accurately determine these components. Evaporation from the lake surface (23,000 acre-feet annually) accounts for a major portion of the consumption or outflow of water from the valley. Evapotranspiration on the valley floor (27,300 acre-feet annually) by crops, pasture, native vegetation, and wetlands, accounts for approximately 51 percent of the total outflow based on data developed during both the Rush (1967) and Arteaga-Nichols (1984) studies. The difference in evapotranspiration rates between the east and west side of the valley floor is attributed to the high water table.<sup>19</sup>

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<sup>17</sup> State of Nevada Exhibits No. 5, 6, 7 and 8. Also see transcript of public hearing, October 26, 1982, pages 233 through 237.

<sup>18</sup> State of Nevada Exhibit No. 12 and Water Resources Reconnaissance Series Report No. 41, public hearing October 26, 1982, page 4.

<sup>19</sup> See footnote 18 and State of Nevada Exhibit No. 14.

IX.

Ground water recharge is a component of the hydrologic system that is greatly influenced by the aquifers and confining beds that underlie any ground water basin and the ability of these aquifers and beds to influence the horizontal and vertical movement of recharge. Rush (1967) concluded that little precipitation directly infiltrates into the ground water reservoir on the valley floor where precipitation is mostly consumed by native vegetation or is evaporated. Arteaga-Nichols (1984) concluded that the greater part of the infiltrated precipitation is retained as soil moisture for subsequent evapotranspiration. The remainder percolates into the ground water or subsurface system and may provide a significant portion of the water moving out of the mountains onto the valley floor. The stream systems discharging out of the western slopes of the valley tend to increase in the downstream direction; therefore, it can be reasonably assumed that there is lateral inflow contribution from subsurface sources. This is further supported by the saturated condition of the valley floor on the west side which diminishes the capacity of the alluvium to accept water into storage. Water that reaches the ground water reservoir does so by seepage loss from streams on the alluvium and by some underflow from the consolidated rocks. The hydraulic communication between the shallow, unconfined aquifers and the deep artesian aquifers is defined in the record. Washoe County entered testimony that concluded that as much as 2000 acre-feet annually finds its way into the lake through shallow subsurface flow. The major portion of surface water and precipitation entering the ground water system is accounted for in evaporation, evapotranspiration and outflow releases from the lakes. Carson City concluded that potential recharge is being rejected because the valley floor is saturated and that as much as 10,000 to 15,000 acre-feet of ground water may be entering the lakes through sub-surface flow. The record supports and provides substantial evidence that because of the large runoff from the Carson Range and the fact that the valley fill reservoir in many places is saturated to or near land surface, there is limited capacity for ground water storage and, as a result, most of the potential ground water recharge is rejected at land surface and enters Washoe and Little Washoe Lakes. This finding is further supported by the fact that the stream beds that are the major recharge mechanisms transit short distances from the mountain block across the alluvium to the lakes, thereby providing little opportunity for ground water recharge, even in the absence of shallow water tables. Large ground water withdrawals from storage in the alluvial areas would result in a lowering of water tables followed by induced infiltration of surface waters and depletion of flows to Washoe and Little Washoe Lakes.<sup>20</sup>

X.

One crucial element of any ground water system that must be considered is the amount of water in storage that can be drawn on during periods of drought or less than average recharge. Where withdrawal consistently exceeds recharge, short term and long term adverse conditions develop which include but are not limited to:

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<sup>20</sup> See footnote 18 - State of Nevada Exhibit No. 14 - Testimony of George Ball, transcript of hearing October 26, 1982, pages 103 through 164 and November 15, 1984, pages 16 through 58. Testimony of Freddy Arteaga, transcript of hearing November 14, 1984, pages 22 through 120, Vol. I. Testimony of Tim Durbin, transcript of hearing November 16 and 20, 1984, Vols. IV, V and VI.

- (a) cones of depression;
- (b) land subsidence;
- (c) declining ground water levels;
- (d) increased pumping lifts;
- (e) potential water quality deterioration;
- (f) decreased artesian pressure;
- (g) increased recharge to aquifers from the streams in the area;
- (h) decreased flow into surface water sources connected to both confined and unconfined aquifers which results ultimately in streamflow depletion;
- (i) reversal of ground water gradients.

These conditions do not reflect speculation or illusion but are well documented in several ground water basins within the State of Nevada where withdrawals have exceeded recharge.<sup>6</sup> Rush (1967) alluded to and developed estimates of potential annual ground water recharge that was available but only after the surface water system had been significantly altered and impacted could the ground water system yield the volume of water estimated.<sup>21</sup> There is a clear distinction to be drawn between potential recharge and actual recharge in a complex system such as Washoe Valley. A similar approach to the development of the ground water resource through the effective method applied in other ground water basins in the State would have detrimental and adverse results if allowed in Washoe Valley. Both Rush (1967) and Arteaga-Nichols (1984) as well as Washoe County and Carson City addressed the delicate balance between outflow and inflow and the unique elements of the Washoe Valley hydrologic system.<sup>22</sup> The lowering of ground water levels and salvage of evapotranspired natural discharge will have a direct and fairly rapid impact on Washoe and Little Washoe Lakes and only after the lakes and the wetlands area have been significantly impacted can any salvage of evapotranspiration be expected.

This is well documented by the record of information, data and testimony available to the State Engineer.<sup>4</sup> The hydrogeology of the valley floor discloses areas of limited alluvial aquifers that will not sustain the additional development of large yield wells without these significant impacts. In addition, large withdrawals of ground water will effect existing ground water rights and domestic wells upgradient from the lakes because of the shallower alluvium and the surface of the valley fill reservoir that will drain by gravity in response to pumping.

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<sup>21</sup> Water Resources Reconnaissance Series Report No. 41.

<sup>22</sup> See footnotes 20 and 21, State of Nevada Exhibit No. 12.

XI.

The east side of Washoe Valley is an area of limited water yield (900 acre-feet annually).<sup>23</sup> This area also supports a relatively high concentration of domestic wells.<sup>10</sup> Applicant, Serpa, in his ground water evaluation report in support of Application 38077, drew the conclusion that Arteaga-Nichols (1984) did not account for phreatophyte loss on the east side in their hydrologic budget and second that the acreage covered by phreatophytes on the east side of the lake is 742 acres.<sup>24</sup> This is incorrect since the budget clearly sets out the evapotranspiration loss for both cropland and native vegetation at 5100 acre-feet annually based on a combined acreage of 4940 acres.<sup>25</sup> To salvage the water transpired by this vegetation, you would either have to remove the vegetation, lower the water table to a depth of 30 to 50 feet, or both. Arteaga-Nichols (1984) concluded that less than 4% of the total water yield from the Carson and Virginia ranges is available to the east side of the valley.<sup>23</sup> Serpa relies on the potential recharge and capture of evapotranspiration by altering the system. Existing rights exceed the potential recharge or yield on the east side of the valley and there are no contributions to ground water recharge from the Carson Range.<sup>26</sup> Some fraction of the natural recharge must move westward underground in response to gravity or gradient toward the lakes without being intercepted by pumping. Escape to the surface water system of some portion of the natural recharge makes less of the total recharge subject to capture within areas of concentrated development. Pumpage and consumptive use would tend to have an adverse effect on the existing concentration of domestic wells in this area of limited natural recharge by precipitating declines in the water table and potential deterioration of water quality as a result of artificial recharge from septic tank discharges. This would tend to impair the value of existing rights and be detrimental to the public welfare.

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<sup>23</sup> State of Nevada Exhibit No. 12, pages 16 and 17.

<sup>24</sup> Serpa Exhibit 3.

<sup>25</sup> State of Nevada Exhibit No. 12, page 20.

<sup>26</sup> Serpa Exhibit 3, State of Nevada Exhibts 2 and 14. Testimony of Freddie Arteaga, transcript of hearing November 14, 1984, pages 103 through 104, Vol. 1.

XII.

Washoe and Little Washoe Lakes are the subject of certain decreed water rights set out under the Truckee River Decree.<sup>27</sup> Outflow to Steamboat Creek is controlled and regulated by a small dam from Little Washoe Lake at the northwest corner of the valley. Arteaga-Nichols (1984) estimated the average annual outflow at 2300 acre-feet.<sup>28</sup> This flow is additionally augmented by a diversion from Galena Creek which is a portion of the imported surface water accounted for in the budget.<sup>27</sup> The record clearly sets forth the nature and extent of the existing rights downstream from the outflow of Little Washoe Lake.<sup>29</sup> Any man-induced depletion of inflow and outflow from Washoe or Little Washoe Lakes would adversely affect existing rights as well as adversely affect the public value of the Scripps Wildlife Management Area and recreational facilities in the lake shoreline area.

XIII.

Applications 43700 and 45674 propose to export 3500 acre-feet of ground water annually from Washoe Valley to adjacent Eagle Valley for municipal purposes resulting in total consumptive use as relates to any potential return flows or secondary recharge to Washoe Valley. Additionally, Application 46451 proposes to export water from Washoe Valley to adjacent Galena Creek subbasin which would also result in total consumptive use.

XIV.

The applicant under application 35202 was properly noticed of the public hearings before the State Engineer and failed to provide additional information or evidence in support of the granting of the application and further failed to demonstrate a continuing interest in the application.<sup>30</sup>

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<sup>27</sup> State of Nevada Exhibit 16.

<sup>28</sup> State of Nevada Exhibit 12, page 20.

<sup>29</sup> The United States of America vs. Orr Water Ditch Company, et al., in equity docket No. A3 U.S. District Court in and for the District of Nevada, commonly referred to as the Truckee River Decree.

<sup>30</sup> State of Nevada Exhibit No. 9. See transcript of hearing under Application 35202, November 15, 1984.

XV.

The applicant under Application 47662 was properly noticed of the public hearings before the State Engineer and failed to provide additional information or evidence in support of the granting of the application and further failed to demonstrate a continuing interest in the application.<sup>31</sup> Subsequent attempts to contact the applicant by the State Engineer's office have not been successful. Testimony received at the public hearing indicates that the applicant does not own or control the land that he plans to place the water to beneficial use on, therefore, the applicant cannot demonstrate the ability to place the water to beneficial use.<sup>32</sup>

XVI.

The Truckee River Decree<sup>29</sup> specifically sets forth the rights or entitlement of the surplus flows of the tributaries to Washoe and Little Washoe Lakes. (Note: Little Washoe Lake is referred to as "Lower Washoe Lake" in the decree and the two lakes are further collectively referred to as "Washoe Lake Reservoir".) The decree further declares<sup>27</sup> that protestant Washoe Lake Reservoir and Galena Creek Ditch Company is entitled to receive and use the water stored in or discharged from Washoe Lake Reservoir for the purposes and within the places of use set forth in said decree. The regulation and control of the existing storage capacity and outflow from Washoe and Little Washoe Lakes is under the jurisdiction of the federal court and the Federal Water Master.

CONCLUSIONS

I.

The State Engineer has jurisdiction of the parties and the subject matter of this action.<sup>33</sup>

II.

The State Engineer is prohibited by law from granting a permit to appropriate the public waters where:

- A. there is no unappropriated water in 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.<sup>34</sup>

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<sup>31</sup> State of Nevada Exhibit No. 9. See transcript of hearing under Application 47662, November 15, 1984.

<sup>32</sup> See transcript of hearing under Application 47662, November 15, 1984, pages 3 through 5.

<sup>33</sup> NRS Chapters 533 and 534.

<sup>34</sup> NRS 533.370.

III.

The quantification, occurrence and yield of the water resources of Washoe Valley are well defined in the record.

IV.

The applications to appropriate the public waters set forth in the subject matter of this ruling constitute withdrawal and consumptive use of the ground water and surface water resource of Washoe Valley. Specifically, Applications 43700, 45674 and 46451 seek to export substantial amounts of water from the valley which constitutes total consumptive use.

V.

The record provides substantial evidence on the:

(A) complexity, interconnection, and delicate balance between the surface and ground water systems in Washoe Valley;

(B) limited capacity for ground water recharge and storage without significantly altering the surface water and ground water inflows to Washoe and Little Washoe Lakes;

(C) depletion of flows to the lakes will adversely impact the recreational and wildlife values of the valley and, therefore, would not be in the public interest;

(D) distinctions that must be drawn between potential ground water recharge and actual ground water recharge because of the unique hydrologic components of the valley;

(E) lowering of ground water levels will allow and influence the infiltration and percolation of surface stream runoff into the ground water system thereby interfering with and impairing existing rights;

(F) depletion of flows entering the lakes will adversely effect existing rights set forth under the Truckee River Decree;

(G) and, withdrawal of additional ground water and depletion of ground water storage will adversely effect existing ground water rights within the valley.

VI.

Regulation and control of existing storage capacity and outflow from Washoe and Little Washoe Lakes is under the jurisdiction of the federal court and the Federal Water Master as set forth in the Truckee River Decree.

### RULING

Application 35202 for the waters of Caille Springs is herewith denied on the grounds that the applicant has failed to demonstrate a continuing interest in the application and has failed to provide additional information or evidence in support of the application and the granting thereof would not be in the public interest.

Application 38076 for the waters of an underground source is herewith denied on the grounds that irrigation use is not a preferred use of the limited resource and that the granting thereof would interfere with and impair the value of existing rights and be detrimental to the public interest.

Application 38077 for the waters of an underground source is herewith denied on the grounds that the granting thereof would interfere with and impair the value of existing rights and would be detrimental to the public interest.

The protests to the granting of Applications 38344 and 38345 for the waters of an underground source are herewith upheld and Applications 38344 and 38345 are herewith denied on the grounds that the granting thereof would interfere with and impair the value of existing rights and would be detrimental to the public interest.

Applications 41458, 41459 and 41460 for the waters of an underground source are herewith denied on the grounds that the granting thereof would interfere with and impair the value of existing rights and would be detrimental to the public interest.

Application 43700 for the waters of an underground source is herewith denied on the grounds that the granting thereof would interfere with and impair the value of existing rights and would be detrimental to the public interest.

The protest to the granting of Application 45674 for the waters of an underground source is herewith upheld and Application 45674 is herewith denied on the grounds that the granting thereof would interfere with and impair the value of existing rights and would be detrimental to the public interest.

Application 46367 for the waters of an underground source is herewith denied on the grounds that the granting thereof would interfere with and impair the value of existing rights and would be detrimental to the public interest.

Application 46451 for the waters of an underground source is herewith denied on the grounds that the granting thereof would interfere with and impair the value of existing rights and would be detrimental to the public interest.

The protests to the granting of Applications 46475, 46476, 46477, 46478, 46479, 46480 and 46481 for the waters of an underground source are herewith upheld and Applications 46475, 46476, 46477, 46478, 46479, 46480 and 46481 are herewith denied on the grounds that the granting thereof would interfere with and impair the value of existing rights and would be detrimental to the public interest.

The protests to the granting of Applications 46482, 46483, 46486 and 46487 for the waters of Washoe Lake and tributaries are herewith upheld and Applications 46482, 46483, 46486 and 46487 are herewith denied on the grounds that the granting thereof would interfere with and impair the value of existing rights and would be detrimental to the public interest.

Application 47662 for the waters of an underground source is herewith denied on the grounds that the applicant does not own or control the property that the application represents to place the water to beneficial use on and therefore cannot demonstrate the ability to place the water to beneficial use and further the applicant has failed to demonstrate a continuing interest in the application.

Respectfully submitted

A handwritten signature in black ink, appearing to read "Peter G. Morros", written over a horizontal line.

Peter G. Morros  
State Engineer

PGM/bl

Dated this 5th day of  
June, 1985.



## OFFICE OF THE WASHOE COUNTY CLERK

COUNTY COURTHOUSE, VIRGINIA AND COURT STS.  
P. O. BOX 11130, RENO, NEVADA 89520  
PHONE (702) 785-6180

JUDI BAILEY  
County Clerk

May 21, 1982

Mr. Peter G. Morros, State Engineer  
Department of Conservation and Natural Resources  
201 South Fall Street  
Carson City NV 89710

I, Judi Bailey, County Clerk and Clerk of the Board of County Commissioners, Washoe County, Nevada, do hereby certify that at a regular meeting of the Board held on May 18, 1982, Chairman Farr issued the following order:

82-583 WASHOE VALLEY - APPLICATION BY CARSON CITY TO APPROPRIATE GROUNDWATERS FOR EAGLE VALLEY

11:00 a.m. This time was scheduled in a a Notice of Public Hearing published in the Reno Evening Gazette on April 26 and May 3 and 10, 1982, concerning the application by Carson City to appropriate groundwaters in Washoe Valley for use in Eagle Valley. Proof was made that due and legal notice had been given.

John Collins, Chief Sanitary Engineer, reviewed in detail his memorandum of May 17, 1982 [placed on file with the Clerk]. He advised that the current Carson City water system is 1.5 miles from the proposed system; that the application is for diversion of water from Washoe County to Carson City for municipal uses; and that the State Engineer's office has the authority to grant the permit even with the County's objecting. He stated that the diversion would take water out of the Washoe Lake Basin but would offer no recharge.

Mr. Collins then read his four recommendations in opposition to the application. Commissioner Brown suggested, that if the recommended conditions are approved, an additional condition be added to provide for the appropriation of sufficient funds to hire consultants and outside legal services to aid the County in its opposition.

Chairman Farr opened the public hearing by calling for a representative of the State of Nevada or Carson City; there was no response. He commented on the over-capacity crowd in attendance and asked for a show of hands of those who favor this application; no one responded. He then called on those in opposition.

State Senator Bill Raggio requested that the Board firmly oppose this application as it would adversely affect

residents in the valley. He presented his letter to the Board [filed with the Clerk] further detailing his opposing views.

Frank Everts, Ph.D., Mountain Mental Health, Chairman of the Washoe Valley Homeowners Association, advised that Washoe Valley does not have unlimited groundwater and cannot afford diversion as proposed. He reviewed his letter to the Board [filed with the Clerk] containing a table of figures which he stated were obtained from the most current surveys and abstracts available in the State Engineer's office. He also presented a letter [filed with the Clerk] from Bob Weise, former Assemblyman, and quoted the last paragraph as follows: "Again I ask that you not only oppose this application but instruct the District Attorney to intervene to protect the county park investments, the wildlife refuge, the residents, the downstream water users, and the potential water district which you are currently investigating."

Further remarks were made as follows by Washoe Lake area residents: Pat Schlosser stated that a recent property owners meeting drew the largest turnout ever, the main concern being that the water diversion to Carson City will ultimately result in the drying out of Washoe Lake. Ray Wilcox, a registered hydrologist, advised that he had pursued the outcome of this plan and concluded that the Lake will be severely damaged with that much withdrawal of water. Betty Percival explained that they did not fully understand the impact contained in the State Engineer's notice with a 30-day protest period because of the legalese contained therein, and that is why no one protested. Thomas Hall, Washoe Valley Advisory Board Chairman, advised that at their April 22, 1982, meeting, they unanimously passed a resolution to protest this application. Paul Peterson remarked that it was necessary to deepen his well to obtain more water at one point at an exorbitant cost, and that this or any further diversion will intensify such problems. Norm Evans, representing the Cliff Brothers, noted that this would extremely lower the annual groundwater yield. State Assemblyman Dave Nicholas requested that the State be notified of the large number of people in attendance today and impress upon them that this was a public hearing since he had informed the State Engineer via letter [filed with the Clerk] that it would so be. Robert Mann expressed concern with the effects this would have on wildlife habitat. Wally White and Carey Rittola also voiced opposition to the application.

Chairman Farr closed the public hearing.

A discussion ensued concerning Commissioner Brown's additional condition. Commissioner Ferrari commented that it is

his feeling that County engineering and legal staffs possess expertise in their fields and that private industry employment is not essential.

Mr. Collins responded that in making a petition to the state it would be appropriate to have that kind of additional input. Chairman Farr also noted the benefits of additional legal counsel.

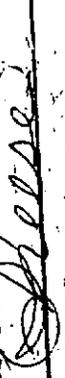
Following discussion, upon recommendation of the Chief Sanitary Engineer concerning recommendations 1 through 4 adding the condition proposed by Commissioner Brown, on motion by Commissioner Brown, seconded by Commissioner Ferrari, which motion duly carried, Chairman Farr ordered the following:

1. That the State Engineer be requested to hold a public hearing regarding the proposed withdrawal in accordance with the powers given to him by the Nevada Revised Statutes even though there were no protests filed during the publication period.
2. That staff be directed to appear at that public hearing and present information which has been presented to the Board of County Commissioners at its public hearing.
3. That the proposed appropriation be denied on the basis that it will adversely affect the public health, welfare, and safety of the residents of the South Washoe Valley area.
4. That the responsibility of reviewing future legal notices related to water rights be assigned to the appropriate staff.
5. That sufficient funds be appropriated to hire consultants and outside legal services to aid the County in presenting its case in opposition.

  
 \_\_\_\_\_  
 JUDI BAILEY, County Clerk  
 and Clerk of the Board  
 of County Commissioners,  
 Washoe County, Reno, Nevada

pr

cc: John Collins, Chief Sanitary Engineer; Michael Harper, Regional Planning; Floyd Vice, Public Works Director; Senator William J. Raggio (P.O. Box 3137, Reno, NV 89505); Assemblyman Dave Nicholas (401 South Carson Street, Carson City, NV 89710)

The document to which this certificate is attached is a full, true and correct copy of the original on file and of record in my office.  
 DATE January 9, 1985  
 JUDI BAILEY, Clerk of the Second Judicial District Court, and for the County of Washoe, State of Nevada.  
 By  Deputy.

## OFFICE OF THE WASHOE COUNTY CLERK

COUNTY COURTHOUSE, VIRGINIA AND COURT STS  
 P. O. BOX 11130, RENO, NEVADA 89520  
 PHONE (702) 785-6180



JUDI BAILEY  
 County Clerk

October 28, 1982

Mr. Peter G. Morros, State Engineer  
 Department of Conservation and  
 Natural Resources  
 201 South Fall Street  
 Carson City, Nevada 89710

Dear Mr. Morros:

I, Judi Bailey, County Clerk and Clerk of the Board of County Commissioners, Washoe County, Nevada, do hereby certify that at a regular meeting of the Board held on October 26, 1982, Chairman Farr issued the following order:

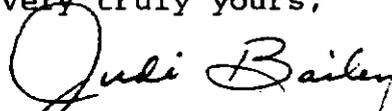
82-1358 WASHOE VALLEY - SECOND APPLICATION BY CARSON CITY TO APPROPRIATE GROUNDWATERS FOR EAGLE VALLEY

Upon recommendation of John Collins, Chief Sanitary Engineer, on motion by Commissioner Ferrari, seconded by Commissioner Williams, which motion duly carried, Chairman Farr ordered the following:

1. That the proposed application be denied on the basis that it will adversely affect the public health, welfare and safety of the residents of the South Washoe Valley area.
2. That the State Engineer direct Carson City to submit to Washoe County any information relative to Carson City's application. Such information would include the evidence which Carson City is asking the State Engineer to rely on in order to show that the statutory criteria for approval be met.
3. That the State Engineer not hold a hearing or take any action on applications within Washoe Valley until the completion of the hydrologic study of Washoe Valley which is currently in progress cooperatively between the U. S. Geological Survey and the Regional Administrative Planning Agency of Reno, Sparks and Washoe County, and the Washoe Council of Governments.

4. That prior to taking action on the Washoe Valley applications, the State Engineer declare and designate municipal and quasi-municipal uses to be the preferred uses of any of the unappropriated groundwater in Washoe Valley.
5. That the State Engineer withhold action on the proposed pending groundwater application until the Washoe County applications under Application Nos. 45955 through 45968 are ready for action.
6. That the State Engineer hold a public hearing regarding the proposed withdrawal in accordance with the powers given to him by the Nevada Revised Statutes.
7. That Washoe County staff and the District Attorney's office representatives be directed to appear at any public hearing and present information which has been presented to the Board of County Commissioners at its public hearing or subsequent information developed as a result of consultant's service retained for such review.

Very truly yours,



JUDI BAILEY, County Clerk  
and Clerk of the Board of  
County Commissioners,  
Washoe County, Nevada

cc: John Collins, Chief Sanitary Engineer; Floyd Vice, Public Works Director; Michael Harper, Regional Planning; Doug Hopkins, Engineer; Chan Griswold, D. A. - Civil Division

APPENDIX OF REFERENCES

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