

IN THE OFFICE OF THE STATE ENGINEER

IN THE MATTER OF APPLICATION 42928)
FILED TO APPROPRIATE THE PUBLIC)
WATERS OF AN UNNAMED STREAM IN)
LEMMON VALLEY, WASHOE COUNTY,)
NEVADA.)

RULING

GENERAL

Application 42928 was filed on December 8, 1980, by Hill Top Developers, Inc., to appropriate 5.0 c.f.s. of water from an unnamed stream for quasi-municipal purposes within portions of the NW1/4 NW1/4, NE1/4 NW1/4, SW1/4 NW1/4, NW1/4 NE1/4, SW1/4 NE1/4, NW1/4 SW1/4, NE1/4 SW1/4, SE1/4 SW1/4, NW1/4 SE1/4, SE1/4 SE1/4 and all of the SE1/4 NW1/4, SW1/4 SE1/4 Section 33, T.21N., R.19E., M.D.B.&M. The point of diversion is described as being within Section 33, T.21N., R.19E., M.D.B.&M.¹

An informal field investigation was conducted on June 16, 1983, to gather additional information for the State Engineer.¹

The unnamed stream in Section 33, T.21N., R.19E., was determined to be the discharge from the Stead Sewage Treatment Plant. The flow was estimated to be approximately 1.0 c.f.s. at the time of the investigation.

FINDINGS OF FACT

I.

The source of water of the unnamed stream for Application 42928 is the secondary treatment discharge from the Stead Sewage Treatment Plant in Lemmon Valley, Nevada.

II.

Effluent discharged from the point of the final treatment from within a sewage collection and treatment system shall be considered water as referred to in Chapter 533 of NRS and shall be subject to appropriation for beneficial use under the reservoir-secondary permit procedure set forth under NRS 533.440.

III.

Application 42928 is not for a secondary permit to appropriate the effluent from the Stead Sewage Treatment Plant as provided under NRS 533.440.

¹ Public record in the office of the State Engineer under Application 42928.

IV.

There is no agreement on file in the office of the State Engineer between the applicant of 42928 and the owner of the Stead Sewage Treatment Plant to allow use of the discharge from the plant.²

CONCLUSIONS

I.

The State Engineer has jurisdiction of the parties and the subject matter of this action and determination.³

II.

The evidence and information available indicates that Application 42928 is for appropriation of effluent from a sewage treatment plant from which there is no established availability or continuity of flow to the source.

RULING

Application 42928 is hereby denied on the grounds that there is no established availability to the source and it is not in the public interest.

Respectfully submitted,


PETER G. MORROS
State Engineer

PGM/GC/bl

Dated this 8th day of
November, 1985.

² NRS 533.440(2).

³ NRS 533.325.