

IN THE OFFICE OF THE STATE ENGINEER

IN THE MATTER OF APPLICATIONS 34756,
43788 AND 48038 FILED TO APPROPRIATE)
THE PUBLIC WATERS OF AN)
UNDERGROUND SOURCE IN TRUCKEE)
MEADOWS, WASHOE COUNTY, NEVADA.)

RULING

GENERAL

I.

Application 34756 was filed on December 22, 1977, by S.C.I. Corporation to appropriate 2.0 c.f.s. of water from an underground source for quasi-municipal purposes within Sections 1, 2 and 12 and the E1/2 of Section 11, T.18N., R.20E., M.D.B.&M. The point of diversion is described as being within the SW1/4 SE1/4 Section 11, T.18N., R.20E., M.D.B.&M. The current owners of record under Application 34756 are Intex Corporation (5/6 interest) and Ira J. Miller (1/6 interest).¹

Application 43788 was filed on May 26, 1981, by Phillips Petroleum Company to appropriate 0.5 c.f.s. of water from an underground source for industrial and domestic purposes within Sections 5 and 6, T.17N., R.20E., M.D.B.&M., and Sections 31 and 32, T.18N., R.20E., M.D.B.&M. The point of diversion is described as being within SW1/4 NE1/4 Section 31, T.18N., R.20E., M.D.B.&M.¹

Application 48038 was filed on May 10, 1984, by Niilo Hyytinen to appropriate 2.0 c.f.s. of water from an underground source for commercial and domestic purposes within portions of the NW1/4 SW1/4 Section 28, T.18N., R.20E., M.D.B.&M. The point of diversion is described as being within the NW1/4 SW1/4 Section 28, T.18N., R.20E., M.D.B.&M.¹

The estimated consumptive use under Applications 34756, 43788 and 48038 is 1052 acre-feet annually.¹

II.

In 1973, Water Resources Reconnaissance Series Report 57, "A Brief Water Resources Appraisal of the Truckee River Basin, Western Nevada", by A. S. Van Denburgh, R. D. Lamke and J. L. Hughes, was prepared cooperatively by the Nevada Department of Conservation and Natural Resources, Division of Water Resources, and the U.S. Department of the Interior, Geological Survey. This report is available from the office of the State Engineer.

Nevada Bureau of Mines and Geology Report 25 (1975) titled "Evaluation of Geothermal Activity in the Truckee Meadows, Washoe County, Nevada". This report is available in the office of the State Engineer.

¹ Public record in the office of the State Engineer.

Water-Supply Paper 1779-S titled "Evaluation of Hydrogeology and Hydrogeochemistry of Truckee Meadows Area, Washoe County, Nevada", by Philip Cohen and Omar J. Loeltz, was prepared cooperatively by the U.S. Geological Survey and the Nevada Department of Conservation and Natural Resources. This report is available in the office of the State Engineer.

III.

Hearings in the matter of pending applications to divert water from the Truckee Meadows Ground Water Basin were held by the State Engineer on May 24, 1978, and on August 17, 1978.²

FINDINGS OF FACT

I.

Applications 34756, 43788 and 48038 were filed to appropriate water from an underground source from the Truckee Meadows Ground Water Basin, Washoe County, Nevada.¹

II.

By an order dated March 1, 1978, the State Engineer designated and described the Truckee Meadows Ground Water Basin as a ground water basin coming under the provisions of NRS Chapter 534.³

III.

It is estimated that the potential annual recharge to the ground water basin from precipitation is 27,000 acre-feet. The estimated annual sub-surface inflow of ground water is less than 1,200 acre-feet.⁴ Any consumptive withdrawal in excess of the natural recharge will either deplete the ground water reservoir or cause additional surface water to percolate into the ground water reservoir.

² See transcripts of hearings dated May 24, 1978, and August 17, 1978, public record in the office of the State Engineer.

³ Order No. 708 dated March 1, 1978, public record in the office of the State Engineer.

⁴ Water Resources Reconnaissance Series Report 57, pp. 38, 44 and 45, public record in the office of the State Engineer. In a preliminary report titled Hydrology Evaluation of the Truckee Meadows Basin, Washoe County, prepared by LeRoy Crandall and Associates, the perennial yield of the basin was estimated on the order of 25,000 acre-feet. The report further concluded, based on qualitative methods, that the "permissible" yield of the basin was 8,000 acre-feet, assuming all pumped ground water meets drinking water standards. The report also estimated that the total ground water in storage had decreased approximately 16,000 acre-feet in the period 1960 to 1977.

IV.

Existing certificated and permitted ground water rights in the Truckee Meadows Ground Water Basin for municipal, wildlife, commercial, irrigation and other purposes now exceed estimates of potential natural recharge.¹

V.

Previous applications for additional underground appropriation from the Truckee Meadows Ground Water Basin have been denied by the State Engineer.⁵

CONCLUSIONS

I.

The State Engineer has jurisdiction of the parties and the subject matter of this action and determination.⁶

II.

The State Engineer is prohibited by law⁷ from granting a permit under an application to appropriate the public waters 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 interest.

III.

Existing water rights for ground water in the Truckee Meadows Ground Water Basin exceed the annual recharge from precipitation and underflow. To grant large additional rights would result in additional consumptive use in this designated basin. The large additional withdrawals and consumption would remove water from the ground water reservoir which:

⁵ See denied Applications 29430, 29442, 30923, 30924, 30925, 31503, 31504, 31505, 31823, 31824, 32539, 33124, 33125, 33126, 33289, 33357, 34548, 34549, 34550, 34551, 34552, 34553, 34554, 34555, 34556, 34641, 34642, 34683, 34684, 34717, 34718, 34719, 34723, 34895, 34896, 34943, 34972, 35034, 35035, 35036, 35037, 35071, 35076, 35132, 35205, 35485, 35514, 35635, 36184, 38037, 38038, 39399, 39878, 40988, 40989, 40990, 40991, 41034, 41035 and 41036, public record in the office of the State Engineer.

⁶ NRS 533.025 and NRS 533.030, subsection 1.

⁷ NRS 533.370, subsections 1 and 4.

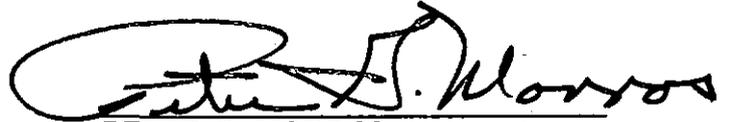
- A. Would not be replaced resulting in depletion of the ground water reservoir,
or
- B. Would be replaced by infiltrating surface water that would otherwise
remain in or return to the stream system.

The additional withdrawal and consumption of underground water as applied for would, therefore, conflict with and tend to impair the value of existing rights and threaten to prove detrimental to the public interest and welfare.

RULING

Applications 34756, 43788 and 48038 are herewith denied on the grounds that the appropriation of additional ground water as applied for would conflict with and tend to impair the value of existing rights and threaten to prove detrimental to the public interest and welfare.

Respectfully submitted,



PETER G. MORROS
State Engineer

PGM/DLW/bl

Dated this 27th day of
December, 1985.