

IN THE OFFICE OF THE STATE ENGINEER

IN THE MATTER OF APPLICATIONS 49878)
AND 52078 FILED TO APPROPRIATE THE)
PUBLIC WATERS OF UNDERGROUND)
SOURCES IN WASHOE VALLEY, WASHOE)
COUNTY, NEVADA.)

RULING

GENERAL

I.

Application 49878 was filed on May 12, 1986, by Otis L. and June Turner to appropriate 0.10 c.f.s. of water from an underground source for commercial and domestic purposes within the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 32, T.17N., R.20E., M.D.B.&M. The point of diversion is described as being within the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 32, T.17N., R.20E., M.D.B.&M.¹

II.

Application 52078 was filed May 4, 1988, by Washoe Sierra Inv. Co. to appropriate 0.03 c.f.s. of water from an underground source for commercial purposes within the W $\frac{1}{2}$ SW $\frac{1}{4}$ of Section 32, T.17N., R.20E., M.D.B.&M. The point of diversion is described as being within the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 32, T.17N., R.20E., M.D.B.&M.¹

FINDINGS OF FACT

I.

Application 49878 proposes to use water for the purpose of a convenience store, commercial establishment being a retail sales store, 4 store units and 4 apartments. Application 52078 proposes to use water for a commercial 4 unit retail store building.¹

II.

By Order No. 707, dated March 1, 1978, the State Engineer designated and described Washoe Valley Groundwater Basin under provisions of NRS Chapter 534.¹

¹ Public record on file in the office of the State Engineer.

III.

The State Engineer has denied applications to appropriate groundwater for similar purposes in Washoe Valley Groundwater Basin in the past.¹

IV.

Applications 49878 and 52078 are proposing wells to be drilled on the east side of Washoe Valley. The east side of Washoe Valley is an area of limited water yield. Additional 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 and would cause declines in the water table as well as potential deterioration of the water quality.²

CONCLUSIONS

I.

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

II.

The State Engineer is prohibited by law from granting a permit under an application to appropriate the public waters where:⁴

- 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.

² Public record in the office of the State Engineer, Ruling No. 3201.

³ NRS Chapters 533 and 534.

⁴ NRS 533.370(3).

III.

Approval of Applications 49878 and 52078 would result in withdrawal and consumptive use of the groundwater resource and would adversely affect the availability of the groundwater of Washoe Valley. Such withdrawal and use would deplete water resources and would interfere with and impair the value of existing water rights and would be detrimental to the public interest.

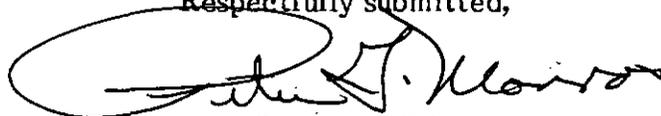
IV.

By Ruling No. 3201 dated June 5, 1985, other previous applications to appropriate groundwater in Washoe Valley Groundwater Basin have been denied for a similar use.²

RULING

Applications 49878 and 52078 for the waters of an underground source are herewith denied on the grounds that the granting thereof would interfere with and tend to impair the value of existing rights and would be detrimental to the public interest.

Respectfully submitted,



PETER G. MORROS
State Engineer

PGM/MM/bk

Dated this 7th day of
November, 1989.