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STATE OF NEVADA
DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES
DIVISION OF WATER RESOURCES
BEFORE R. MICHAEL TURNIPSEED, STATE ENGINEER

In the Matter of Applications

9330, 20998, 22541, 22542,
47047, 47121, 47209, 47264,
48061, 48494, 29973, 32954,
47147, 50561, 50562, 50563.

VOLUME III
TRANSCRIPT OF PROCEEDINGS
PUBLIC HEARING
WEDNESDAY, JUNE 1, 1994
CARSON CITY, NEVADA

Reported by:

MARY E. BELL, CCR, RPR
Nevada CCR #98

1 conditioned on providing replacement flows or return water to
2 take the place of the water that is being diverted and reused
3 that would otherwise be discharged to the river.

4 That condition is extremely important as you know.
5 There are significant water quality problems in the lower
6 Truckee River and further depletion now which would happen as
7 a result of effluent not being returned to the river and,
8 therefore, less water in the river would aggravate the
9 existing water quality problems.

10 So from a public interest standpoint in addition to
11 the policy with regard to return flows, there's an important
12 need to ensure that if this application were to be granted,
13 that it would be conditioned to require replacement return
14 flows as if, in the same amount and at the same time as if
15 the effluent had been discharged to the river.

16 THE STATE ENGINEER: Does that complete your
17 statement?

18 MR. PELCYGER: Yes.

19 THE STATE ENGINEER: Thank you. With regard to
20 application 47147, I make the following observations and
21 findings. First of all, I cannot rule on the equitable
22 argument as to the ownership interest in the wastewater
23 treatment plant. That's for a whole different forum.

24 There was no evidence presented that the applicant
25 has a contract for use of effluent from the primary treater.

1 Thirdly, the applicant has enough water to serve existing
2 uses at build-out and certainly has enough water to serve
3 what uses were in place in 1986 when the application was
4 filed.

5 From my days as a distributor of water on various
6 stream systems and now I supervise the distribution of water
7 on the Humboldt River, we generally as a rule of thumb divert
8 about twice as much water as there is water and that is
9 because of return flow. In other words, we figure on the
10 average about 50 percent returns to the system when you're
11 dealing with flood irrigation.

12 Therefore, I find insufficient showing of
13 unappropriated water by appropriating the effluent and
14 insufficient showing that it would not have a detrimental
15 effect on downstream rights. Therefore, application 47147 is
16 denied.

17 However, I do think that the applicant may have a
18 viable project and there would be no prejudice against them
19 filing a secondary application to be appropriated as part of
20 some other primary application. That will be the ruling.

21 MR. WHITE: Mr. Turnipseed, I want to thank you and
22 all the other attorneys and parties for letting us go out of
23 order.

24 THE STATE ENGINEER: Thank you. We'll be off the
25 record for a moment.

1 STATE OF NEVADA,)
2 CARSON CITY.) ss.

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I, MARY E. BELL, Official Court Reporter for the State of Nevada, Department of Conservation and Natural Resources, Division of Water Resources, do hereby certify:

That on Tuesday, Wednesday and Thursday, the 31st day of May, the 1st day of June and the 2nd day of June, 1994, I was present for the purpose of reporting in verbatim stenotype notes the within-entitled public hearing;

That the foregoing transcript, consisting of pages 188 through 623, inclusive, includes a full, true and correct transcription of my stenotype notes of said public hearing.

Dated at Carson City, Nevada, this 13th day of June, 1994.

Mary E. Bell

MARY E. BELL, CCR, RPR
Nevada CCR #98