

IN THE MATTER OF APPLICATION 30755)
TO APPROPRIATE WATER FROM AN)
UNDERGROUND SOURCE IN COLD SPRING)
VALLEY, WASHOE COUNTY, NEVADA)

RULING

INTRODUCTION

Application 30755 was filed by Joe E. and Natalie Gardner to appropriate underground water in Cold Spring Valley.

In 1967 Water Resources - Reconnaissance Series Report 43, "Water - Resources Appraisal of the Warm Springs - Lemmon Valley Area, Washoe County Nevada" by F. Eugene Rush and Patrick A. Glancy was prepared cooperatively by the Nevada Department of Conservation and Natural Resources and the Geological Survey, U.S. Department of the Interior. A copy of this report may be viewed in the Office of the State Engineer.

FINDINGS OF FACT

I

Application 30755 was filed on October 15, 1976 by Joe E. and Natalie Gardner to appropriate 2.0 CFS of underground water for commercial and domestic purposes. The point of diversion is within the NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 34, T.21N., R.18E., M.D.B. & M. and the place of use is within the N $\frac{1}{2}$ SW $\frac{1}{4}$ of said Section 34. The estimated annual use is 7.5 million gallons for a 40 unit motel, bar, service₁ station, cafe, single family dwelling, and landscaping.

II

Cold Spring Valley was designated on January 18, 1977 by the State Engineer as a groundwater basin coming under the provisions of Chapter 534 NRS.

III

The perennial yield from the Cold Spring Valley groundwater reservoir is estimated by the U.S. Geological Survey to be 500 acre - feet of water per year.²

IV

Permits have been issued in Cold Spring Valley which could be developed to divert up to 960 acre - feet of underground water per year.³

V

Approximately 75 residential units are now served by domestic wells which require no permit to appropriate ground water.⁴ Additional residential units with domestic wells may be installed on lots in existing subdivisions.

VI

Applications to appropriate underground water in Cold Spring Valley have been denied on the grounds that their granting would conflict with existing water rights and be detrimental to the public interest.⁵

CONCLUSIONS

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

2. The State Engineer is prohibited by law from granting a permit 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 welfare.⁷

3. Existing water rights for ground water in Cold Spring Valley exceed the estimated perennial yield for the Cold Spring Valley ground water reservoir.

To grant additional water rights under the subject applications would conflict with existing rights and threaten to prove detrimental to the public welfare.

4. The potential exists for additional development of the Cold Spring Valley ground water reservoir. Continuing urbanization of the area indicates pumpage will increase.

To grant additional water rights from the Cold Spring Valley ground water reservoir under the subject applications, would overcommit this limited natural resource, conflict with existing rights, and threaten to prove detrimental to the public welfare.

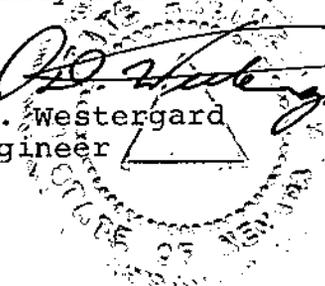
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RULING

Application 30755 is denied on the grounds that the granting of water rights for additional ground water development from the designated Cold Spring Valley basin would conflict with existing rights and threaten to prove detrimental to the public welfare in this area where appropriations exceed estimates of perennial yield.

Respectfully submitted,


Roland D. Westergard
State Engineer



RDW/JC/jew

Dated This 25th day
of July 1977.

FOOTNOTES

1. Public records located within the Office of the State Engineer.
2. Water Resources - Reconnaissance Series Report No. 43, page 2 and 49.
3. Public records located within the Office of the State Engineer.
4. Estimate made by the Regional Planning Commission of Reno, Sparks and Washoe County.
5. Public records located within the Office of the State Engineer. Denied applications are 27611, 27612, 27613, 28216, 29126, 29582, 29580, and 30260.
6. NRS 533.025 and 533.030, subsection 1.
7. NRS 533.370, subsection 4.