

IN THE MATTER OF APPLICATION 35230)
FOR THE WATERS OF AN UNDERGROUND)
SOURCE LOCATED IN WASHOE COUNTY,)
NEVADA.)

R U L I N G

89

GENERAL

Application 35230 was filed on March 30, 1978 by the Nevada State Public Works Board to appropriate 2.5 c.f.s. of water for irrigation and domestic purposes from an underground source. The point of diversion is described as being located in the SE1/4 NE1/4 Section 25, T.17N., R.19E., M.D.B.&M. and the place of use is described as 80 acres in the E1/2 NE1/4 Section 25, T.17N., R.19E., M.D.B.&M. Under "Remarks" in the application, it is indicated that the water will be used for the Nevada Division of Forestry, Western Area Headquarters Facility.

Application 35230 was protested on August 29, 1978 by Viola Price on the following grounds:

"I, have been a resident of 1355-Eastlake Blvd. (Washoe Valley) for 14 years, and in that time two (2) wells had to be drilled, as the first one was not adequate to service a domestic 3 bedroom home. With-in the last year several 2nd & 3rd well have had to be drilled as the original one failed.(ran out of water). The well applied for here has a 10" casing and would no doubt be used for commercial and irrigating uses at a capacity that the area cannot sustain over a period of time or during a drought condition, also, this well is est 125 ft. from my well (6") producing approx 7 gal min. which is just minimum for a household. The one acre domestic sites in this area in most all cases would be much further in distance than this, and in most cases 6" wells. I, find it very difficult to understand why the attempt to drill the well with this size and magnitude had begun without first obtaining the required permit, but most of all not communicating with the residents in the area that most obviously would be affected with the drain of the water tables. Regardless of the performed analysis and strata theories & etc. this still remains basically desert and logically can bear only a minimum regardless of growth imposed on it."

Application 35230 became ready for action on August 30, 1978. On September 13, 1978 an informal on site field investigation was held between representatives of the State Public Works Board, the Division of Forestry, the Division of Water Resources and the protestant, Viola Price.

The point of diversion and place of use under Application 35230 lie within the Washoe Valley Ground Water Basin which was designated on March 1, 1978 by order of the State Engineer.

On September 19, 1978, a letter was submitted to the office of the State Engineer under the signature of Viola Price advising that she wished to withdraw her protest under certain conditions set out in the letter. On September 19, 1978, a letter was submitted to the office of the State Engineer under the signature of L. V. Smith, State Forester Fire Warden, responding to conditions set out in Viola Prices letter. Both of the above letters are made part of this ruling by reference.

NRS 534.110, section 5, states "Nothing herein shall be so construed as to prevent the granting of permits to applicants later in time on the grounds that the diversion under such proposed later appropriations may cause the water level to be lowered at the point of diversion of a prior appropriator so long as the rights of holders of existing appropriations can be satisfied under such express conditions".

The issuance of a permit under Application 35230 would be in the public interest provided that the use of water thereunder is limited to fire protection and domestic use for the Nevada Division of Forestry, Western Area Headquarters Facility.

RULING

The protest to the granting of Application 35230 is herewith overruled and a permit will be granted under this application subject to the following conditions upon receipt of the statutory permit fees.

1. The total annual duty under this permit is limited to 730,000 gallons not to exceed 2000 gallons per day with the exception that in a condition of fire emergency, the diversion under this permit shall be allowed at the rate of 65 gallons per minute.
2. The point of diversion will be moved 300 feet in a north westerly direction from the existing point of diversion as described in Application 35230.
3. The domestic use shall be limited to culinary water for the Nevada Division of Forestry, Western Area Headquarters Facility within the described place of use.
4. No irrigation use will be allowed under this permit with the exception of reasonable landscaping within the limits of the 2000 gallons per day duty.
5. It is also understood that this right must allow for a reasonable lowering of the static water level at the permittee's well due to other ground water development in the area.
6. A totalizing meter shall be installed at the point of diversion and readings reflecting consumption will be submitted to the State Engineer on an annual basis.

Respectfully submitted,


 Roland D. Westergard
 State Engineer

RDW/PGM/bl

Dated this 20th day

of SEPTEMBER 1978

