

IN THE MATTER OF APPLICATIONS 29430, )  
29442, 34895, 34896, 34972, 35076, )  
35132, 35205, 35485, AND 35514 TO )  
APPROPRIATE WATER FROM AN UNDERGROUND )  
SOURCE IN TRUCKEE MEADOWS, WASHOE )  
COUNTY, NEVADA )

R U L I N G

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INTRODUCTION

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.

FINDINGS OF FACT

I

Application 29430 was filed on June 10, 1975, by Peter B. Wilday to appropriate 0.006 c.f.s., of the waters of an underground source to be diverted within the SW 1/4 SE 1/4 Section 2, T.18N., R.19E., M.D.B. & M., and to be used for irrigation of 2.93 acres within the SW 1/4 SE 1/4 Section 2, T.18N., R.19E., M.D.B. & M.

Application 29442 was filed on June 13, 1975, by Calvin Kinney to appropriate 0.006 c.f.s., of the waters of an underground source to be diverted within the SW 1/4 SE 1/4 Section 2, T.18N., R.19E., M.D.B. & M., and to be used for irrigation of 2.62 acres within the SW 1/4 SE 1/4 Section 2, T.18N., R.19E., M.D.B. & M.

Application 34895 was filed on January 19, 1978, by DH Development Company to appropriate 1.0 c.f.s., of the waters of an underground source to be diverted within the NE 1/4 NW 1/4 Section 5, T.19N., R.19E., M.D.B. & M.; and to be used for quasi-municipal and domestic purposes for 250 units proposed to be built within a portion of the N 1/2 Section 5 and Section 6, T.19N., R.19E., M.D.B. & M.

Application 34896 was filed on January 19, 1978, by DH Development Company to appropriate 1.0 c.f.s., of the waters of an underground source to be diverted within the NW 1/4 NW 1/4 Section 6, T.19N., R.19E., M.D.B. & M., and to be used for quasi-municipal and domestic purposes for 600 units proposed to be built within a portion of the N 1/2 Section 5 and Section 6, T.19N., R.19E., M.D.B. & M.

Application 34972 was filed on February 9, 1978, by Bruno and Edna Benna and Ingvar and Ruth Christensen to appropriate 1.50 c.f.s., of the waters of an underground source to be diverted within the SW 1/4 NW 1/4 Section 23, T.18N., R.20E., M.D.B. & M., and to be used for quasi-municipal and domestic purposes for 500 single-family units proposed to be built and an aggregate processing facility within the NE 1/4 NW 1/4 and S 1/2 NW 1/4 Section 23, T.18N., R.20E., M.D.B. & M.

Application 35076 was filed on March 9, 1978, by Ann and Richard Record to appropriate 0.5 c.f.s., of the waters of an underground source to be diverted within the SE 1/4 NE 1/4 Section 12, T.18N., R.19E., M.D.B. & M., and to be used for irrigation of 18 acres within portions of the NE 1/4 Section 12, T.18N., R.19E., M.D.B. & M.

Application 35132 was filed on March 16, 1978, by John Lazovich to appropriate 0.35 c.f.s., of the waters of an underground source to be diverted within the SE 1/4 SE 1/4 Section 12, T.18N., R.19E., M.D.B. & M., and to be used for irrigation of 15.7 acres within the SE 1/4 SE 1/4 Section 12, T.18N., R.19E., M.D.B. & M.

Application 35205 was filed on March 21, 1978, by Sierra Land Associates, Inc., to appropriate 1.0 c.f.s., of the waters of an underground source to be diverted within the SW 1/4 SE 1/4 Section 32, T.19N., R.19E., M.D.B. & M., and to be used for quasi-municipal and domestic purposes for 240 units proposed to be built within W 1/2 SE 1/4 Section 32, T.19N., R.19E., M.D.B. & M.

Application 35485 was filed on May 25, 1978, by Jean S. Carter to appropriate 0.2 c.f.s., of the waters of an underground source to be diverted within the NE 1/4 SE 1/4 Section 13, T.18N., R.19E., M.D.B. & M., and to be used for irrigation of 8 acres in the NE 1/4 SE 1/4 Section 13, T.18N., R.19E., M.D.B. & M.

Application 35514 was filed on June 6, 1978, by Sierra Ice, Inc., to appropriate 0.5 c.f.s., of the waters of an underground source to be diverted within the NE 1/4 SE 1/4 Section 18, T.19N., R.19E., M.D.B. & M., and to be used for quasi-municipal purposes for housing and commercial development within N 1/2 SE 1/4 Section 18, T.19N., R.19E., M.D.B. & M. 1/

## II

Applications 29430, 29442, 34895, 34896, 34972, 35076, 35132, 35205, 35485, and 35514 were filed to appropriate water from an underground source from the Truckee Meadows Ground Water Basin, Washoe County, Nevada. 2/

## III

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 534. 3/

## IV

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 500 acre-feet. 4/ The safe perennial yield of the Truckee Meadows Ground Water Basin is considerably less than 27,000 acre-feet and has been estimated to be in

the order of 12,000 acre-feet per year. 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. Withdrawals in excess of the safe perennial yield will adversely affect the resource and existing rights.

V

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 safe perennial yield and natural recharge. 5/

VI

Hearings in the matter of pending applications to divert water from the Truckee Meadows Ground Water Basin were held by the State Engineer:

- A. On May 24, 1978
- B. On August 17, 1978 6/

VII

Should Applications 29430, 29442, 34895, 34896, 34972, 35076, 35132, 35205, 35485, and 35514 be granted and should subsequent development affect prior ground water rights or surface water rights, the State Engineer is required by law to order withdrawals be restricted to conform to priority rights. 7/

VIII

Five letters were written by this office over a 32 month period requesting information pertinent to ownership or control of existing water rights on lands proposed to be irrigated under Applications 29430 and 29442. Despite expressions that the information requested would be provided within the time limits set forth, such information has not been provided to date. 8/

CONCLUSIONS

I

The State Engineer has jurisdiction of the parties and the subject matter of this action. 9/

II

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 interest, or
- D. The proposed use tends to impair the value of existing rights, or to be otherwise detrimental to the public welfare. 10/

### III

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

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 for irrigation and quasi-municipal purposes would, therefore conflict with and tend to impair the value of existing rights and threaten to prove detrimental to the public interest and welfare.

### IV

The State Engineer is authorized and directed to designate preferred uses of water within designated ground water basins such as the Truckee Meadows Ground Water Basin. 11/ The consumptive use of additional ground water to irrigate additional land or to more intensively and frequently irrigate other land is not considered to be a preferred use of the limited water resources of the Truckee Meadows Ground Water Basin.

### V

The State Engineer may require such information as will enable him to guard the public interest properly, before either approving or rejecting an application. 12/ Information pertinent to ownership or control of existing water rights on lands proposed to be irrigated under Applications 29430 and 29442 was requested of the Applicants by this office on numerous occasions. Such information has not been provided by the applicants within the time limits set forth, resulting in lack of information needed by the State Engineer in enabling him to guard the public interest properly. Failure on the part of the applicants to provide needed information does not indicate the capacity or capability or intent to place the water applied for in a timely manner to beneficial use. To approve Application 29430 and 29442, in the light of failure to provide needed information within the time limits set forth, would be detrimental to the public interest and welfare.

RULING

Applications 29430, 29442, 34895, 34896, 34972, 35076, 35132, 35205, 35485, and 35514 are herewith denied on the grounds that the proposed appropriation of additional ground water in the designated area described 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,



William J. Newman  
State Engineer

WJN/VRH/jm

Dated this 10th day

of APRIL, 1979.

FOOTNOTES

1. Public records in the office of the State Engineer.
2. Public records in the office of the State Engineer.
3. Public records in the office of the State Engineer.
4. Water Resources - Reconnaissance Series, Report 57, pp. 38, 44, 55.
5. Public records in the office of the State Engineer.
6. Public records in the office of the State Engineer. Transcripts of hearings and associated rulings.
7. NRS 534.110, subsection 3 and 6.
8. Letters in both Applications 29430 and 29442 dated:
  - September 15, 1975
  - October 23, 1975
  - August 24, 1976
  - May 1, 1978
  - May 19, 1978
9. NRS 533.025 and NRS 533.030, subsection 1.
10. NRS 533.370, subsections 1 and 4.
11. NRS 534.120, subsection 2.
12. NRS 533.375.