

IN THE OFFICE OF THE STATE ENGINEER
OF THE STATE OF NEVADA

IN THE MATTER OF APPLICATIONS 50298)
AND 50299 FILED TO CHANGE A PORTION)
OF THE WATERS ALREADY APPROPRIATED)
FROM AN UNDERGROUND SOURCE, LOCATED)
IN THE TRUCKEE MEADOWS GROUNDWATER)
BASIN (87), WASHOE COUNTY, NEVADA.)

RULING
4199

GENERAL

I.

Application 50298 was filed on October 17, 1986, by Gerald M. and Elaine D. Shapiro, to change the point of diversion, manner and place of use of 0.50 cubic feet per second (cfs) (15 acre-feet), a portion of underground water heretofore appropriated under Permit 31319. The proposed point of diversion and place of use is located within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 24, T.19N., R.19E., MDM., and the proposed manner of use is commercial (geothermal) purposes. The existing point of diversion and place of use are located within the NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 20, T.18N., R.20E., MDM., and the existing manner of use is quasi-municipal and domestic.¹

Application 50299 was filed on October 17, 1986, by Gerald M. and Elaine D. Shapiro, to change the point of diversion, manner and place of use of 0.50 cfs (15 acre-feet), a portion of underground water heretofore appropriated under Permit 31320. The proposed point of diversion and place of use is located within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 24, T.19N., R.19E., MDM., and the proposed manner of use is commercial (geothermal) purposes. The existing point of diversion and place of use are located within the NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 20, T.18N., R.20E., MDM., and the existing manner of use is quasi-municipal and domestic.²

¹ File No. 50298, official records in the Office of the State Engineer.

² File No. 50299, official records in the Office of the State Engineer

II.

Applications 31319 and 31320 were filed on April 12, 1977 to appropriate the public waters of the State of Nevada for the Cedar Lodge and the then-existing Superior Trailer Park, located within the above-referenced place of use. Permits 31319 and 31320 were each approved on December 27, 1977 to appropriate 1.0 cfs of water from an underground source for quasi-municipal purposes.³

FINDINGS OF FACT

I.

The Truckee Meadows Groundwater Basin is recharged on an annual basis by precipitation and runoff from the higher elevations. This is the "cold" water that is diverted by wells for the many beneficial uses of water in the Truckee Meadows. This is also the source of water for Permits 31319 and 31320. Geothermal aquifers, on the other hand, are isolated and insulated from the cold underground reservoirs and represent separate sources of underground water. Applications 50298 and 50299 seek to divert water from a geothermal source.^{1,2} The State Engineer finds that Applications 50298 and 50299 propose to divert water from a source that is different from that of their base water rights.

CONCLUSIONS

I.

The State Engineer has jurisdiction in the parties and the subject matter in this decision.⁴

³ Permits 31319 and 31320 are public record in the Office of the State Engineer.

⁴ NRS 533 and 534.

II.

The State Engineer is prohibited by law from granting a permit under an application to change an existing water right where:⁵

- A. There is no unappropriated water at the proposed source, or
- B. The proposed use or change conflicts with existing rights, or
- C. The proposed use or change threatens to prove detrimental to the public interest.

III.

The State Engineer concludes that it would not be in the public interest to allow a change application from one source which is recharged to the near surface from local precipitation to a source where the recharge circulates deep beneath the earth mantle and comes back to the surface as geothermal fluid. This would be analogous to allowing a change application seeking to change a water right from the Carson River to the Truckee River. The sources are totally separate.

IV.

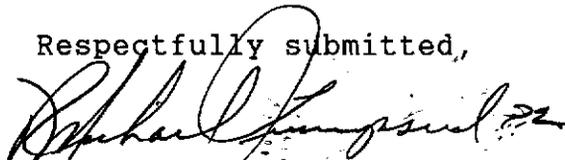
An application to change the point of diversion may be approved by the State Engineer, only where the application seeks to move the point of diversion to another point on the same source of water. The State Engineer concludes that Applications 50298 and 50299 propose to move the point of diversion of Permits 31319 and 31320, respectively, to a new source of water. Therefore, Applications 50298 and 50299 must be denied.

⁵ NRS 533.370.

RULING

Change Applications 50298 and 50299 are herewith denied on the grounds that said applications seek to move the point of diversion to a new source of water.

Respectfully submitted,



R. MICHAEL TURNIPSEED, P.E.
State Engineer

RMT/TKG/pm

Dated this 30th day of
June, 1995.