

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

IN THE MATTER OF APPLICATION 65181 )  
FILED TO APPROPRIATE THE PUBLIC )  
WATER FROM AN UNDERGROUND SOURCE )  
WITHIN THE WASHOE VALLEY )  
GROUNDWATER BASIN (089) WASHOE )  
COUNTY, NEVADA. )

RULING

# 4756

GENERAL

I.

Application 65181 was filed on June 7, 1999, by Kathy Steele to appropriate 0.20 cubic feet per second, not to exceed 29.84 acre-feet annually from the underground waters of the Washoe Valley Groundwater Basin, Washoe County, Nevada, for irrigation, domestic, and hydroponic irrigation purposes within the SW $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 23, T.17N., R.19E., M.D.B. & M., also identified as Assessor's Parcel Number 50-231-04. The proposed point of diversion is described as being located within the SW $\frac{1}{4}$  SE $\frac{1}{4}$  of said Section 23.<sup>1</sup> The remarks section of the application indicates that the place of use is that identified under the map filed under Application 64025 and the point of diversion is the same as that identified under the map filed under Permit 17566.

II.

The State Engineer initially described and designated the Washoe Valley Groundwater Basin on March 1, 1978, under the provisions of NRS § 534.030, as a basin in need of additional administration.<sup>2</sup> The proposed point of diversion under Application 65181 is located within the boundaries of the designated Washoe Valley Groundwater Basin.

FINDINGS OF FACT

I.

The perennial yield of a hydrologic basin is the maximum amount of water of usable chemical quality that can be consumed

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<sup>1</sup> File No. 65181, official records in the office of the State Engineer.

<sup>2</sup> State Engineer's Order No. 707, dated March 1, 1978, official records in the office of the State Engineer.

economically each year for an indefinite period of time. The perennial yield cannot exceed the natural replenishment to an area indefinitely, and ultimately is limited to the maximum amount of natural recharge that can be salvaged for beneficial use. If the perennial yield is continually exceeded groundwater levels will decline until the groundwater reservoir is depleted. Withdrawals of groundwater in excess of the perennial yield contribute to adverse conditions such as water quality degradation, storage depletion, diminishing yield of wells, increased economic pumping lifts, land subsidence and possible reversal of groundwater gradients which could result in significant changes in the recharge-discharge relationship.<sup>3</sup>

It is estimated that the potential annual recharge to the Washoe Valley Groundwater Basin is 15,000 acre-feet. Nearly 90 percent (13,000 acre-feet) of the estimated potential recharge is from the Carson Range on the West side of Washoe Valley. The Virginia Range, on the East side of Washoe Valley, provides 1,000 acre-feet of this estimated potential recharge. Precipitation on the valley floor (excluding lake surface) provides the remaining 1,000 acre-feet.<sup>4</sup>

Runoff from the Carson Range saturates the valley-fill reservoir in many places to or very near the land surface, especially near where streams cross the valley floor. Because of

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<sup>3</sup> State Engineer's Office, Water for Nevada, State of Nevada Water Planning Report No. 3, p. 13, Oct. 1971.

<sup>4</sup> Rush, F.E., Water-Resources Appraisal of Washoe Valley, Nevada, Water Resource - Reconnaissance Series, Report 41, State of Nevada, Department of Conservation and Natural Resources and Geological Survey, U.S. Department of the Interior, 1967, pp. 13, 14 and 24. Van Denburgh, A.S., Lamke, R.D., Hughes, J.L., A Brief Water-Resources Appraisal of the Truckee River Basin, Western Nevada, Water Resource - Reconnaissance Series, Report 57, State of Nevada, Department of Conservation and Natural Resources, Division of Water Resources and Geological Survey, U.S. Department of the Interior, 1973, p. 41.

this saturated condition, room in the valley-fill reservoir is limited for recharge from streams. As a result, most of the potential groundwater recharge is rejected at the land surface and flows in streams as runoff to Washoe and Little Washoe Lakes<sup>5</sup> where it flows downstream and becomes part of the decreed waters of the Truckee River under the Orr Ditch Decree.<sup>6</sup>

Thus, natural recharge available to satisfy existing groundwater rights is estimated to be a fraction of the potential recharge of 15,000 acre-feet annually.<sup>7</sup> Any consumptive withdrawal in excess of natural recharge will either deplete the groundwater reservoir or cause additional surface water to percolate into the groundwater reservoir or impact those water rights decreed under the Orr Ditch Decree. Consumptive withdrawals in excess of natural recharge will adversely affect the resource and existing rights.

Existing permits and certificates of record at the State Engineer's office for groundwater withdrawal within the Washoe Valley Groundwater Basin for irrigation, wildlife, municipal, recreation and other purposes exceed 10,365 acre-feet annually.<sup>8</sup> The State Engineer finds that the quantity of water already appropriated from the Washoe Valley Groundwater Basin exceeds the potential and natural recharge on an annual basis.

## II.

Application 65181 requests an appropriation of ground water primarily for irrigation purposes. The State Engineer has previously denied applications to appropriate ground water from the

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<sup>5</sup> Ibid.

<sup>6</sup> Final Decree in United States v. Orr Water Ditch Co., In Equity Docket No. A-3 (D. Nev. 1944).

<sup>7</sup> Ibid.

<sup>8</sup> Hydrographic Basin Abstract, official records in the office of the State Engineer.

Washoe Valley Groundwater Basin for irrigation and other purposes.<sup>9</sup> Additionally, the State Engineer has declared the use of ground water for irrigation purposes within the Washoe Valley Groundwater Basin to be a non-preferred use of the limited resource.<sup>10</sup> The State Engineer finds the use of water requested under Application 65181 is not considered to be a preferred use of the limited water resources of the Washoe Valley Groundwater Basin.

### III.

Application 65181 was filed for use out of the same well that water is appropriated under Permit 17566. The well is located on what was identified under the application map as Lot 6 in the SW $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 23, T.17N., R.19E., M.D.B.&M.<sup>11</sup> Since the filing of Application 17566 Lot 6 has been divided in several parcels. The State Engineer believes the well is located on what is now identified as Assessor's Parcel Number 50-231-47, however, it is possible it is on Assessor's Parcel Number 50-231-46, it is difficult to tell from the application map as compared to the Assessor's parcel maps. The place of use under Application 65181 is described as Assessor's Parcel Number 50-231-04. The State Engineer finds there is no evidence that the applicant owns or controls the parcel on land upon which the well is located.

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<sup>9</sup> See State Engineer's Ruling No. 2439, dated December 27, 1978 (irrigation denied); State Engineer's Ruling No. 2571, dated July 21, 1980 (quasi-municipal denied); State Engineer's Ruling No. 2786, dated October 26, 1982 (irrigation denied); State Engineer's Ruling No. 3201, dated June 5, 1985 (irrigation declared a non-preferred use of the groundwater resource and denied, municipal and quasi-municipal denied); State Engineer's Ruling No. 3343, dated April 23, 1986 (municipal denied); State Engineer's Ruling No. 3746, dated October 9, 1990 (quasi-municipal denied); State Engineer's Ruling No. 4589, dated December 15, 1997 (irrigation denied), official records in the office of the State Engineer.

<sup>10</sup> State Engineer's Ruling No. 3201, Finding of Fact VI, dated June 5, 1985, official records of the office of the State Engineer.

<sup>11</sup> Map which accompanied Application 17566, official records in the office of the State Engineer.

**IV.**

The State Engineer finds that approval of Application 65181 would result in the additional withdrawal and consumptive use of the groundwater resource and would adversely affect the availability of the ground water of Washoe Valley. Such withdrawal and use of the ground water would deplete the water resource thereby interfering with and impairing the value of existing water rights and would threaten to prove detrimental to the public interest.

**CONCLUSIONS**

**I.**

The State Engineer has jurisdiction over the parties and the subject matter of this action and determination.<sup>12</sup>

**II.**

The State Engineer is prohibited by law from granting a permit under an application to appropriate the public waters where:<sup>13</sup>

- 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.

**III.**

The State Engineer may deny an application without going to publication where a previous application for a similar use in the same basin has been denied.<sup>14</sup>

**IV.**

The State Engineer concludes that the approval of Application 65181 would result in the withdrawal and consumptive use of the groundwater resource and would adversely affect the availability of

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<sup>12</sup> NRS Chapters 533 and 534.

<sup>13</sup> NRS § 533.370.

<sup>14</sup> NRS § 533.370(3).

the ground water of Washoe Valley. Such use would deplete the water resource thereby interfering with and impairing the value of existing water rights and threatening to prove detrimental to the public interest.

v.

The State Engineer concludes it would threaten to prove detrimental to the public interest to grant a groundwater application for a point of diversion on land which the applicant does not own or control.

**RULING**

Application 65181 is hereby denied on the grounds that the appropriation of additional underground water for irrigation purposes would impair the value of and interfere with existing rights and threaten to prove detrimental to the public interest.

Respectfully submitted,

  
R. MICHAEL TURNIPSEED, P.E.  
State Engineer

RMT/SJT/cl

Dated this 27th day of  
July, 1999.