

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

IN THE MATTER OF APPLICATIONS )  
52711, 52714, 52715, 52716, 52717, )  
52739, 52740, 52741 AND 52742 FILED )  
TO APPROPRIATE THE PUBLIC WATERS OF )  
AN UNDERGROUND SOURCE WITHIN THE )  
TRUCKEE CANYON SEGMENT GROUNDWATER )  
BASIN, (091) WASHOE COUNTY, NEVADA. )

**RULING**

**# 4845**

**GENERAL**

**I.**

Application 52711 was filed on November 16, 1988, by PRO-MAX Corp. to appropriate 1.0 cubic foot per second (cfs) of underground water for quasi-municipal and domestic purposes within the SW $\frac{1}{2}$ /W SW $\frac{1}{4}$  of Section 16, Lot 2 and Lot 4, the SE $\frac{1}{4}$  SW $\frac{1}{4}$ , SW $\frac{1}{4}$  SE $\frac{1}{4}$ , NE $\frac{1}{4}$  SW $\frac{1}{4}$  and the W $\frac{1}{2}$  SW $\frac{1}{4}$  of Section 17, excepting therefrom 12 acres lying north and west of the Steamboat Ditch as described in a deed recorded in Book 18, page 280, Deed Records, the E $\frac{1}{2}$ , E $\frac{1}{2}$  NW $\frac{1}{4}$  and the NE $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 20, all within T.19N., R.18E., M.D.B.&M. The proposed point of diversion is described as being located within the NW $\frac{1}{4}$  NE $\frac{1}{4}$  of said Section 20.<sup>1</sup>

**II.**

Application 52714 was filed on November 17, 1988, by PRO-MAX Corp. to appropriate 1.0 cfs of water for quasi-municipal and domestic purposes within the same place of use described under Application 52711. The proposed point of diversion is described as being located within the NW $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 20, T.19N., R.18E., M.D.B.&M.<sup>2</sup>

**III.**

Application 52715 was filed on November 17, 1988, by PRO-MAX Corp. to appropriate 1.0 cfs of underground water for quasi-municipal and domestic purposes within the same place of use described under Applications 52711 and 52714. The proposed point

<sup>1</sup> File No. 52711, official records in the office of the State Engineer.

<sup>2</sup> File No. 52714, official records in the office of the State Engineer.

of diversion is described as being located within the SW $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 20, T.19N., R.18E., M.D.B.&M. <sup>3</sup>

**IV.**

Application 52716 was filed on November 17, 1988, by PRO-MAX, Corp. to appropriate 1.0 cfs of underground water for quasi-municipal and domestic purposes within the same place of use described under Applications 52711, 52714 and 52715. The proposed point of diversion is described as being located within the SE $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 17, T.19N., R.18E., M.D.B.&M. <sup>4</sup>

**V.**

Application 52717 was filed on November 17, 1988, by PRO-MAX Corp. to appropriate 1.0 cfs of underground water for quasi-municipal and domestic purposes within the same place of use described under Applications 52711, 52714, 52715 and 52716. The proposed point of diversion is described as being located within the NE $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 20, T.19N., R.18E., M.D.B.&M. <sup>5</sup>

**VI.**

Application 52739 was filed on November 29, 1988, by PRO-MAX, Corp. to appropriate 1.0 cfs of underground water for quasi-municipal and domestic purposes within the SW $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 16, Lot 2 and Lot 4, being portions of the NE $\frac{1}{4}$  SW $\frac{1}{4}$ , the NW $\frac{1}{4}$  SE $\frac{1}{4}$ , the SW $\frac{1}{4}$  SE $\frac{1}{4}$ , the SE $\frac{1}{4}$  SE $\frac{1}{4}$ , the SE $\frac{1}{4}$  SW $\frac{1}{4}$ , and the W $\frac{1}{2}$  SW $\frac{1}{4}$  of Section 17, excepting therefrom 12 acres lying North and West of the Steamboat Ditch as described in a deed recorded in Book 18, page 280, Deed Records of Washoe County, the E $\frac{1}{2}$ , the E $\frac{1}{2}$  NW $\frac{1}{4}$  and the NE $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 20, all within T.19N., R.18E., M.D.B.&M.. The proposed point of diversion is described as being located within the NE $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 20, T.19N., R.18E., M.D.B.&M. <sup>6</sup>

<sup>3</sup> File No. 52715, official records in the office of the State Engineer.

<sup>4</sup> File No. 52716, official records in the office of the State Engineer.

<sup>5</sup> File No. 52717, official records in the office of the State Engineer.

<sup>6</sup> File No. 52739, official records in the office of the State Engineer.

**VII.**

Application 52740 was filed on November 29, 1988, by PRO-MAX, Corp. to appropriate 1.0 cfs of underground water for quasi-municipal and domestic purposes within the same place of use described under Application 52739. The proposed point of diversion is described as being located within the SE $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 17, T.19N., R.18E., M.D.B.&M.<sup>7</sup>

**VIII.**

Application 52741 was filed on November 29, 1988, by PRO-MAX, Corp. to appropriate 1.0 cfs of underground water for quasi-municipal and domestic purposes within the same place of use described under Applications 52739 and 52740. The proposed point of diversion is described as being located within the SW $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 17, T.19N., R.18E., M.D.B.&M.<sup>8</sup>

**IX.**

Application 52742 was filed on November 29, 1988, by PRO-MAX, Corp. to appropriate 1.0 cfs of underground water for quasi-municipal and domestic purposes within the same place of use described under Applications 52439, 52440 and 52441. The proposed point of diversion is described as being located within the NW $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 17, T.19N., R.18E., M.D.B.&M.<sup>9</sup>

**X.**

Applications 52711, 52714, 52715, 52716, 52717, 52739, 52740, 52741 and 52742 were timely protested by the Truckee Carson Irrigation District on the following grounds.<sup>1,2,3,4,5,6,7,8,9</sup>

This application will tend to adversely affect adjacent and downstream adjudicated surface waters since the diversion will consumptively use water from a groundwater basin which has been fully appropriated, designated by the State Engineer and where applications for Quasi-Municipal use have previously been denied.

<sup>7</sup> File No. 52740, official records in the office of the State Engineer.

<sup>8</sup> File No. 52741, official records in the office of the State Engineer.

<sup>9</sup> File No. 52742, official records in the office of the State Engineer.

**FINDINGS OF FACT**

**I.**

State Engineer's Order Number 706, issued on March 1, 1978, described and designated the Truckee Canyon Segment Groundwater Basin as a groundwater basin in need of additional administration under the provisions of NRS § 534.030.<sup>10</sup> The State Engineer finds that all of the subject applications have proposed points of diversion and places of use that are located within the hydrologic boundaries of the designated Truckee Canyon Groundwater Basin.

**II.**

The State Engineer has previously denied an application that requested a new appropriation of underground water from the Truckee Canyon Segment Groundwater Basin.<sup>11</sup> The State Engineer finds that any requests for additional new appropriations of ground water from the Truckee Canyon Segment Groundwater Basin must be denied on grounds similar to those established by a previous denial.

**III.**

The perennial yield of a hydrologic system is the maximum amount of water of usable chemical quality that can be consumed economically each year for an indefinite period of time. If the perennial yield is continually exceeded, groundwater levels will decline until the groundwater reservoir is depleted of water of a usable quality or until the pumping lifts become uneconomical to maintain. Perennial yield cannot exceed the natural replenishment to an area indefinitely and is ultimately limited to the maximum amount of natural discharge that can be salvaged for beneficial use.

Withdrawals of groundwater in excess of the perennial yield contribute to adverse conditions such as water quality

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<sup>10</sup> State Engineer's Order Number 706, issued March 1, 1978, official records in the office of the State Engineer.

<sup>11</sup> See denied Application 35050, official records in the office of the State Engineer.

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>12</sup>

**IV.**

The United States Geological Survey estimates the perennial yield of the Truckee Canyon Segment Groundwater Basin to be approximately 2,000 acre-feet of water annually.<sup>13</sup> The committed ground water resource in the form of permits and certificates issued by the State Engineer to appropriate underground water from the Truckee Canyon Segment currently exceeds 4,042.00 acre-feet per year.<sup>14</sup> The State Engineer finds that the committed resource of the Truckee Canyon Segment Groundwater Basin exceeds the established estimate of the basin's perennial yield.

**CONCLUSIONS**

**I.**

The State Engineer has jurisdiction over the parties and the subject matter of this action and determination.<sup>15</sup>

**II.**

The State Engineer is prohibited by law from granting an application to appropriate the public waters where:<sup>16</sup>

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

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<sup>12</sup> State Engineer's Office, Water for Nevada, State of Nevada Water Planning Report No. 3, p. 13, Oct. 1971.

<sup>13</sup> Nowlin, Jon O., Ground-Water Quality in Nevada, A Proposed Monitoring Program, USGS Open File Report 78-768, p.195, 1986

<sup>14</sup> Hydrographic Basin Summary, Basin 091, Nevada Division of Water Resources Data base, January 5, 2000.

<sup>15</sup> NRS Chapters 533 and 534.

<sup>16</sup> NRS § 533.370(3).

**III.**

The committed groundwater resource of the Truckee Canyon Segment Groundwater Basin currently exceeds the groundwater basin's estimated perennial yield. The State Engineer concludes that the approval of the subject applications would conflict with existing rights that appropriate underground water from the Truckee Canyon Segment Groundwater Basin and thereby would also threaten to prove detrimental to the public interest.

**RULING**

Applications 52711, 52714, 52715, 52716, 52717, 52739, 52740, 52741, and 52742 are hereby denied on the grounds that their approval would conflict with existing rights and would threaten to prove detrimental to the public interest. No ruling is made on the merits of the protests.

Respectfully submitted,



R. MICHAEL TURNIPSEED, P.E.

State Engineer

RMT/MDB/cl

Dated this 28th day of  
January, 2000.