

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

IN THE MATTER OF APPLICATION 58388)
FILED TO USE WATER FROM GROUND)
WATER DEWATERING WITHIN WASHOE)
VALLEY HYDROGRAPHIC BASIN (089),)
WASHOE COUNTY, NEVADA.)

RULING

#5081

GENERAL

I.

Application 58388 was filed on December 11, 1992, by Lynne Garnett to use 0.15 cubic feet per second of water from ground water dewatering for fire protection, dust mitigation and landscape purposes. The proposed point of diversion is described as being located within the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 3, T.16N., R.19E., M.D.B.&M.¹

FINDINGS OF FACT

I.

Items #3 and #12 of Application 58388 state that it is filed pursuant to NRS § 534.025 to use water from ground water dewatering, such dewatering being required to facilitate the operation of a below ground septic tank sewage system.¹

II.

On November 14, 1997, Permit No. NEV 91006 was issued by the Nevada Division of Environmental Protection to the Franktown Meadows Equestrian Center, who is the current owner of record of Application 58388, for the operation of an above ground sewage treatment system, in lieu of the below ground septic tank sewage system originally proposed by Application 58388.¹

¹ File No. 58388, official records in the office of the State Engineer.

III.

In a May 8, 2000, meeting between Richard Davis, Staff Engineer representing this office, and Joe Maez, Staff Engineer with the Nevada Division of Environmental Protection, Mr. Maez stated that ground water dewatering is not required for the proper operation of the currently installed above ground sewage treatment system at Franktown Meadows Equestrian Center.¹

IV.

In a July 25, 2001, telephone conversation between Richard Davis, Staff Engineer representing this office, and Dan Peek, who has maintenance responsibility for the above described sewage system, this office was advised that the well specified in Application 58388 is currently used to fill a tank truck for dust control and irrigation purposes, and has never been used for ground water dewatering.¹

CONCLUSIONS

I.

The State Engineer has jurisdiction over the parties and the subject matter of this action and determination.²

II.

Before either approving or rejecting an application, the State Engineer may require such additional information as will enable him to properly guard the public interest.³

III.

The State Engineer is prohibited by law from granting a permit under an application to appropriate the public waters where:⁴

² NRS chapters 533 and 534.

³ NRS § 533.375.

⁴ NRS § 533.370(3).

- A. there is no unappropriated water at the proposed source;
- B. the proposed use conflicts with existing rights;
- C. the proposed use conflicts with protectible interests in existing domestic wells as set fourth in NRS § 533.024; or
- D. the proposed use threatens to prove detrimental to the public interest.

IV.

The State Engineer concludes that the subject above ground sewage treatment system does not require ground water dewatering for its proper operation, accordingly, a permit to dispose of ground water to alleviate a potential hazard is no longer warranted under NRS § 534.025.

RULING

Application 58388 is hereby denied on the grounds that groundwater dewatering is not required by the subject above ground sewage treatment system, therefore, the issuance of a permit to dispose of the effluent of ground water dewatering would not comply with NRS § 534.025.

Respectfully submitted,



Hugh Ricci, P.E.

HUGH RICCI, P.E.
State Engineer

HR/RAD/dl

Dated this 7th day of
November, 2001.