

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

IN THE MATTER OF APPLICATION 50429)
FILED TO APPROPRIATE THE PUBLIC)
WATERS OF AN UNDERGROUND)
(INJECTION WELL) SOURCE WITHIN)
THE LEMMON VALLEY (EASTERN)
PART) HYDROGRAPHIC BASIN (92B),)
WASHOE COUNTY, NEVADA.)

RULING
5331

GENERAL

I.

Application 50429 was filed on December 18, 1986, by Harold C. Heitmiller to appropriate 0.5 cubic feet per second of water from an injection well for quasi-municipal purposes. The proposed place of use is described as being located within the N½ SW¼, portions of the SE¼, portions of the NW¼, portions of the SW¼ NE¼ of Section 7, T.20N., R.19E., M.D.B.&M. The proposed point of diversion is described as being located within the SW¼ SE¼ of said Section 7.¹

FINDINGS OF FACT

I.

A review of the application indicates that water will be diverted from three streams to supply a municipal water system and the diverted water will be injected into the groundwater basin for storage during periods of high flow and withdrawn from the groundwater basin during periods of low flow. Records in the Office of the State Engineer indicate that Applications 50430, 50431, 50432 and 50433 were filed to appropriate the surface water for this project. On May 29, 2001, the State Engineer denied Applications 50430, 50431, 50432 and 50433.² The State Engineer finds the surface water component of this project has been denied and no water exists for the injection well proposed under Application 50429.

¹ File No. 50429, official records in the Office of the State Engineer.

² State Engineer's Ruling No. 5027, dated May 29, 2001, official records in the Office of the State Engineer.

CONCLUSIONS

I.

The State Engineer has jurisdiction over the parties and the subject matter of this action and determination.³

II.

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

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

III.

Application 50429 was filed for an injection well in support of a project designed to store surface water by injecting the water into the groundwater basin. The State Engineer has denied the surface water applications; therefore, the applicant cannot utilize the injection well. The State Engineer concludes that to approve an application for an injection well, where there is no surface water available to inject, is not in the public interest.

RULING

Application 50429 is hereby denied on the grounds its issuance would threaten to prove detrimental to the public interest.

Respectfully submitted,


HUGH RICCI, P.E.
State Engineer

HR/TW/jm

Dated this 4th day

of March, 2004.

³ NRS chapters 533 and 534.

⁴ NRS § 533.370(3).