

IN THE MATTER OF APPLICATIONS 32539, )  
35635, 40988, 40989, 40990 AND 40991 )  
TO APPROPRIATE WATER FROM AN )  
UNDERGROUND SOURCE IN TRUCKEE MEADOWS, )  
WASHOE COUNTY, NEVADA )

R U L I N G

INTRODUCTION

In 1973, Water Resources - Reconnaissance Series Report 57, "A Brief Water - Resources Appraisal of the Truckee River Basin, Western Nevada" by A. S. Van Denburgh, R. D. Lamke, and J. L. Hughes was prepared cooperatively by the Nevada Department of Conservation and Natural Resources, Division of Water Resources and the U. S. Department of the Interior, Geological Survey. This report is available from the office of the State Engineer.

FINDINGS OF FACT

I

Application 32539 was filed by Myrtle Roberts on June 30, 1977, to appropriate 3.0 c.f.s., of underground water for irrigation and domestic purposes. The point of diversion is within the NW $\frac{1}{4}$  SE $\frac{1}{4}$  Section 24, T.18N., R.19E., M.D.B. & M., and the place of use is 120 acres within the S $\frac{1}{2}$  SE $\frac{1}{4}$ , NW $\frac{1}{4}$  SE $\frac{1}{4}$  of said Section 24.

Application 35635 was filed by Richard E. and Anita Fray on July 17, 1978 to appropriate 0.1 c.f.s., of underground water for irrigation and domestic purposes. The point of diversion and place of use (3.587 acres) are within the NE $\frac{1}{4}$  NE $\frac{1}{4}$  Section 12, T.18N., R.19E., M.D.B. & M.

Application 40988 was filed by Harrah's on March 31, 1980, to appropriate 0.25 c.f.s., of underground water for irrigation and domestic purposes. The point of diversion and place of use (6.1 acres) are within the SE $\frac{1}{4}$  NE $\frac{1}{4}$  Section 17, T.19N., R.19E., M.D.B. & M.

Application 40989 was filed by Harrah's on March 31, 1980, to appropriate 2.5 c.f.s., of underground water for irrigation and domestic purposes. The point of diversion is within the SE $\frac{1}{4}$  SW $\frac{1}{4}$  Section 9, T.19N., R.19E., M.D.B. & M., and the place of use is 260 acres within the SW $\frac{1}{4}$ , NW $\frac{1}{4}$  SE $\frac{1}{4}$  Section 9, S $\frac{1}{2}$  SE $\frac{1}{4}$  Section 8, NE $\frac{1}{4}$  NW $\frac{1}{4}$ , W $\frac{1}{2}$  NE $\frac{1}{4}$  Section 17, NW $\frac{1}{4}$  NW $\frac{1}{4}$  Section 16, T.19N., R.19E., M.D.B. & M.

Application 40990 was filed by Harrah's on March 31, 1980, to appropriate 0.25 c.f.s., of underground water for irrigation and domestic purposes. The point of diversion is within the SE $\frac{1}{4}$  SE $\frac{1}{4}$  Section 9, T.19N., R.19E., M.D.B. & M., and the place of use is 150 acres within the W $\frac{1}{2}$  SE $\frac{1}{4}$ , SE $\frac{1}{4}$  SE $\frac{1}{4}$  Section 9, NW $\frac{1}{4}$  NE $\frac{1}{4}$ , NE $\frac{1}{4}$  NW $\frac{1}{4}$  Section 16, T.19N., R.19E., M.D.B. & M.

Application 40991 was filed by Harrah's on March 31, 1980, to appropriate 0.1 c.f.s., of underground water for irrigation and domestic purposes. The point of diversion and place of use (4.47 acres) are within the SE $\frac{1}{4}$  SW $\frac{1}{4}$  Section 9, T.19N., R.19E., M.D.B. & M. 1/

II

Applications 32539, 35635, 40988, 40989, 40990 and 40991 were filed to appropriate water from an underground source from the Truckee Meadows Ground Water Basin, Washoe County, Nevada.

By an order dated March 1, 1978, the State Engineer designated and described the Truckee Meadows Ground Water Basin as a ground water basin coming under the provisions of NRS 534. 2/

III

It is estimated that the potential annual recharge to the ground water basin from precipitation is 27,000 acre-feet. The estimated annual sub-surface inflow of ground water is less than 1200 acre-feet. 3/

Any consumptive withdrawal in excess of the natural recharge will either deplete the ground water reservoir or cause additional surface water to percolate into the ground water reservoir.

IV

Existing certificated and permitted ground water rights in the Truckee Meadows Ground Water Basin for municipal, wildlife, commercial, irrigation and other purposes now exceed estimates of potential natural recharge. 4/

V

Hearings in the matter of pending applications to divert water from the Truckee Meadows Ground Water Basin were held by the State Engineer:

- A. On May 24, 1978
- B. On August 17, 1978

Applications for underground appropriations have been denied. 5/

CONCLUSIONS

I

The State Engineer has jurisdiction of the parties and the subject matter of this action. 6/

II

The State Engineer is prohibited by law from granting a permit where:

- 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. 7/

III

Existing water rights for ground water in the Truckee Meadows Ground Water Basin exceed the annual recharge from precipitation and underflow. To grant additional irrigation rights would result in additional consumptive use in this designated basin. The additional withdrawals and consumption would remove water from the ground water reservoir which:

- A. Would not be replaced resulting in depletion of the ground water reservoir, or
- B. Would be replaced by infiltrating surface water that would otherwise remain in or return to the stream system.

The additional withdrawal and consumption of underground water as applied for would, therefore, conflict with and tend to impair the value of existing rights and threaten to prove detrimental to the public interest and welfare.

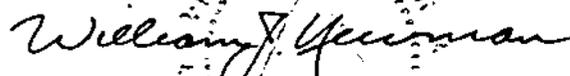
IV

The State Engineer is authorized and directed to designate preferred uses of water within designated ground water basins such as the Truckee Meadows Ground Water Basin. 8/ The consumptive use of additional ground water to irrigate additional land or to more intensively or frequently irrigate other land is not considered to be a preferred use of the limited water resources of the Truckee Meadows Ground Water Basin.

RULING

Applications 32539, 35635, 40988, 40989, 40990 and 40991 are denied on the grounds that the proposed appropriation of additional ground water for irrigation would conflict with and tend to impair the value of existing rights and threaten to prove detrimental to the public interest and welfare.

Respectfully submitted,



William J. Newman  
State Engineer

WJN/JC/bc

Dated this 27th day of  
August, 1980.

FOOTNOTES

1. Public records in the office of the State Engineer.
2. Public records in the office of the State Engineer.
3. Water Resources - Reconnaissance Series, Report 57, pp. 38, 44, 45.
4. Public records in the office of the State Engineer.
5. Public records in the office of the State Engineer. See transcripts of hearings and associated rulings. Denied applications include 29430, 29442, 30923, 30924, 30925, 31503, 31504, 31505, 31823, 31824, 33124, 33125, 33126, 33289, 33357, 34548, 34549, 34550, 34551, 34552, 34553, 34554, 34555, 34556, 34641, 34642, 34683, 34684, 34717, 34718, 34719, 34723, 34895, 34896, 34943, 34972, 35034, 35035, 35036, 35037, 35071, 35076, 35132, 35205, 35485, 35514, 36184 and 39878.
6. NRS 533.025 and NRS 533.030, subsection 1.
7. NRS 533.370, subsections 1 and 4.
8. NRS 534.120, subsection 2.