

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

IN THE MATTER OF APPLICATION 64060)
FILED TO APPROPRIATE THE PUBLIC)
WATERS OF AN UNDERGROUND SOURCE)
LOCATED WITHIN THE WASHOE VALLEY)
GROUNDWATER BASIN (089), WASHOE)
COUNTY, NEVADA.)

RULING

4670

GENERAL

I.

Application 64060 was filed on April 24, 1998, by Jeannie Watts to appropriate 0.16 cubic feet per second (cfs) of underground water. The proposed manner and place of use is for stockwatering and domestic purposes within the NE¼ SE¼ of Section 23, T.17N., R.19E., M.D.B.&M. The proposed point of diversion is described as being located within the NE¼ SE¼ of said Section 23.¹

II.

Application 64060 was timely protested by Churchill County on the following grounds:¹

"Approval of the application is not in the public interest and will affect existing rights. Therefore the Protestant requests that the Application be denied which would be consistent with prior Ruling Numbers 4589 and 3201 which have denied new underground appropriations in Washoe Valley for irrigation and stock water purposes."

FINDINGS OF FACT

I.

Application 64060 requests an appropriation of underground water to serve 18 horses. Currently, the State Engineer allocates a consumptive use of water in the amount of 20 gallons per day per horse.² The State Engineer finds that the approval of Application

¹ File No. 64060, official records in the office of the State Engineer.

² Nevada Division of Water Resources Water Consumption Tables, official records in the office of the State Engineer.

64060 would appropriate an additional 360 gallons of water per day for stockwatering purposes from the Washoe Valley Groundwater Basin.

II.

The appropriation of underground water for domestic purposes, defined as service to a single-family dwelling, the watering of a family garden, a lawn, and the watering of domestic animals is limited to 1,800 gallons per day not to exceed 2.02 acre-feet annually.³ Currently, the appropriation of underground water for strictly domestic purposes does not require the filing of an application to appropriate water with the office of the State Engineer.⁴ Much of the land contained within the Washoe Valley Groundwater Basin has been divided into individual parcels, many of which are entitled to a domestic well and its 2.02 acre-feet allowance. The State Engineer finds that if the diversion rate of water requested under Application 64060 was reduced by the State Engineer to a level comparable to that allowed under the domestic allowance, this reduced diversion rate and annual duty would still be able to satisfy the proposed manner of use and would have no greater impact upon the water resources of the Washoe Valley Groundwater Basin than an additional domestic well.

III.

Churchill County's protest to Application 64060 referenced State Engineer's Ruling Numbers 3201 and 4589, in which applications requesting new appropriations of underground water from the Washoe Valley Groundwater Basin were denied on the grounds that their approval "would interfere and impair the value of existing rights and be detrimental to the public interest."^{5,6}

³ NRS § 534.013 and 534.180.

⁴ NRS § 534.180.

⁵ State Engineer's Ruling No. 3201, dated June 5, 1985, official records in the office of the State Engineer.

The State Engineer finds that all of the applications denied by State Engineer's Ruling Numbers 3201 and 4589 requested diversion rates and associated annual duties which were greater than the 320 gallons per day required under Application 64060 or the standard domestic allowance; therefore, the precedent established by these rulings can not be applied to the subject application.

CONCLUSIONS

I.

The State Engineer has jurisdiction over the parties and the subject matter of this action and determination.⁷

II.

The State Engineer is prohibited by law from granting an application to appropriate the public waters where:⁸

- 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.

III.

The appropriation of underground water from the Washoe Valley Groundwater Basin which would occur if Application 64060 was approved would be equal to that of an additional domestic well. The State Engineer concludes that the approval of Application 64060 at a diversion rate and annual duty reduced to 1,800 gallons per day, not to exceed 2.02 acre-feet annually would not adversely affect existing rights or threaten to prove detrimental to the public interest.

⁶ State Engineer's Ruling No. 4589, dated December 15, 1997, official records in the office of the State Engineer.

⁷ NRS § Chapter 533.

⁸ NRS § 533.370(3).

RULING

The protest to Application 64060 is hereby overruled and Permit 64060 is approved for a diversion rate of 1,800 gallons per day, not to exceed 2.02 acre-feet, subject to existing rights and the payment of the statutory permit fees.

Respectfully submitted,


R. MICHAEL TURNIPSEED, P.E.
State Engineer

RMT/MDB/cl

Dated this 23rd day of
October, 1998.