

IN THE MATTER OF APPLICATIONS 27234)
THROUGH 27241 INCLUSIVE FILED TO)
CHANGE THE PLACE OF USE OF WATER)
HERETOFORE APPROPRIATED IN LEMMON)
VALLEY, WASHOE COUNTY, NEVADA.)

R U L I N G

GENERAL:

Applications 27234, 27235, 27236, 27237, 27238, 27239, 27240, and 27241 were filed to change the places of use of water heretofore appropriated under Permits 19690, 21765, 26172, 26710, 26709, 26711, 25968, and 26171 respectively. These applications were filed on January 15, 1973, by Valley Water Company; and Applications 27238 through 27241 inclusive were protested on April 16, 1973, by Lemmon Valley Improvement Association.

No field investigation in the matter of these applications was made, but a memorandum concerning the applications was filed on April 26, 1973, a copy of which is attached and made a part of this Ruling.

The purpose of the applications is to consolidate the places of use of the several permits so that the water can be used from any well in any area described in the place of use. On May 16, 1974, the Public Service Commission of Nevada amended the Certificate of Public Convenience and Necessity to expand the service area of Valley Water Company.

RULING:

The place of use of all eight applications will be amended to coincide with the service area as approved by the Public Service Commission of Nevada on May 16, 1974, and is described as follows: That portion of the SE $\frac{1}{4}$ Section 15 lying east of Arizona Street; the E $\frac{1}{2}$ Section 21; that portion of the NW $\frac{1}{4}$ Section 22 lying south of Lemmon Valley Drive and east of Arizona Street; that portion of the E $\frac{1}{2}$ Section 22 lying east of Arizona Street and north of Lemmon Valley Drive; W $\frac{1}{2}$, W $\frac{1}{2}$ E $\frac{1}{2}$ Section 26; that portion of the E $\frac{1}{2}$ E $\frac{1}{2}$ Section 27 lying east of Lemmon Valley Drive; N $\frac{1}{2}$ NW $\frac{1}{4}$ and W $\frac{1}{2}$ W $\frac{1}{2}$ W $\frac{1}{2}$ SW $\frac{1}{4}$ Section 35; and all of Section 34 except the W $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ T.21N., R.19E., M.D.B.&M. W $\frac{1}{2}$, W $\frac{1}{2}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 3; E $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 4; and that portion of the SE $\frac{1}{4}$ Section 4 lying east of Military Road T.20N., R.19E., M.D.B.&M.

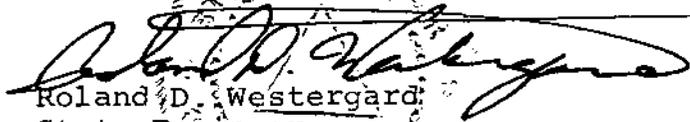
These applications are denied to expand the place of use within the following described area: S $\frac{1}{2}$ Section 14; all of Section 15 lying west of Arizona Street and north of Fir Street; NW $\frac{1}{4}$ Section 21; that portion of the N $\frac{1}{2}$ of Section 22 lying north of Lemmon Valley Drive and west of Arizona Street; and that portion of the SE $\frac{1}{4}$ of Section 22 lying west of Lemmon Valley Drive; all of Section 23;

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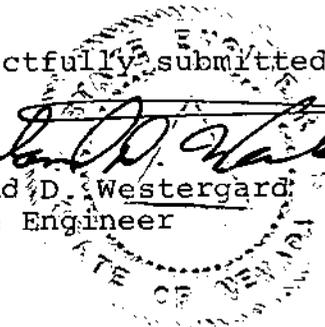
that portion of the E $\frac{1}{2}$ Section 27 lying west of Lemmon Valley Drive;
and the W $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 34 T.21N., R.19E., M.D.B.&M.

The granting of these applications does not grant any additional water and the total diversion under all applications shall not exceed 18.0892 c.f.s. or 1,990.0 million gallons annually. Proofs of Beneficial Use and supporting map shall be filed on or before February 16, 1976, with the provision that no extensions of time shall be granted for their filing.

Respectfully submitted,



Roland D. Westergard
State Engineer



RDW:TJS:lo

Dated this 13th day of
January, 1975.

IN THE MATTER OF APPLICATIONS 27238,)
27239, 27240, AND 27241, FILED TO)
CHANGE THE PLACE OF USE OF EXISTING)
WATER RIGHTS IN LEMMON VALLEY, WASHOE)
COUNTY, NEVADA.)

M E M O R A N D U M

Applications 27238, 27239, 27240, and 27241 were filed on January 15, 1973, by the Valley Water Company to change the place of use of Permits 26709, 26711, 25968, and 26171, respectively.

Protests against the granting of these applications were filed on April 16, 1973, by the Lemmon Valley Improvement Association on the following grounds:

"1. The East Lemmon Valley is now recognized as a separate ground water basin with an annual water recharge of approximately 600 acre feet (reference USGS Bulletin 42, 1972). This basin has been designated critical since 1971.

2. The Nevada State Engineer's office has already issued permits to use water in excess of 11,000 acre feet a year, some 18 times the amount of the average annual replenishment to the ground water table, in spite of the fact that NRS 534.110 directs: "the state engineer shall determine if there is unappropriated water in the area affected and may issue permits only if such determination is affirmative."

3. Long-term experience in other ground water basins has shown that repeated over-use of ground water resources leads to (1) depletion of the resource, with accompanying ground subsidence in many areas, and/or (2), in the absence of complete purification of used water and in the cases where such unpurified used water is permitted to continually re-enter the ground water table, eventual pollution of the ground water table. NRS 534.020 directs: "It is the intention of the legislature...to prevent the waste of underground waters and pollution and contamination therefore."

4. If tertiary treatment plants can be and are built and operated in East Lemmon Valley a maximum recycling rate of perhaps 2.6 may be attainable over the long term. The economic and technical feasibility of this seems to us to be very doubtful, but if it should be attained it would boost annual water supplies to approximately 1560 acre feet.

Since at least one acre foot should be reserved for each home each year, and state law directs that the individual domestic well owner may take over 2 acre feet of water a year, this amount of water could not be expected to serve more than 1500 homes.

5. We have in East Lemmon Valley right now approximately 1500 homes already built and occupied. We also have approximately another 1500 vacant (unbuilt) subdivided lots. Even if no additional homes were built and recycling maximally accomplished we would have just barely adequate supplies for our present residents. Neither is apt to occur. Homes are being built today on the vacant subdivided lots, many of them pre-cut or modular homes which are almost literally instant housing. However, at the present time mortgage loans are generally not available for lots not served by water systems, providing us with the only effective brake on development right now.

6. It is our inescapable conclusion that the building of additional homes should be prevented. The entry of new water users into the valley will jeopardize the rights of present users and ensure that these new users will also in time have their rights jeopardized.

In conclusion, we must protest any change in the status quo which would tend to facilitate the development of more housing in East Lemmon Valley. We therefore protest, not the linking of all areas presently served into one system, but the extension of water systems into the new areas in sections 4 (T.20N.,R.19E.), and sections 14, 15, 21, 22, 23, 26, and 27 (T.21N.,R.19E.). We request the cooperation of the State Engineer's office in controlling development in East Lemmon Valley. We feel that if the current status quo can be roughly maintained for a period of a few years it will be possible to determine through monitoring more precisely the amounts of water available, but we cannot see how monitoring can be effective as long as the number of water users continues to increase. By 1976, when all outstanding permits have lapsed, it might be possible to know more certainly whether new permits could be issued in a more controlled development program.

Summary: Please deny the parts of these applications which would extend water use into new areas in section 4 (T.20N., R.19E.), and sections 14, 15, 21, 22, 23, 26, and 27 (T.21N.,R.19E.). We do not protest the parts of these applications which would permit all of these wells to service all of one another's present use areas."

No field investigation in the matter of these applications was made.

In addition to the protested applications described above, the Valley Water Company also filed simultaneously Applications 27234, 27235, 27236, and 27237 to change the place of use of Permits 19690, 21765, 26172, and 26710, respectively. The rights described above are all of the water rights held by the Valley Water Company for quasi-municipal and domestic purposes in Lemmon Valley. It is the desire of the Valley Water Company in filing these applications to change, to consolidate their water system and to allow them to use all of their wells on all of the area that they plan to serve.

The existing place of use under the approved permits includes portions of Sections 3 and 4, T.20N.,R.19E., and portions of Sections 15, 21, 22, 26, 34, and 35 T.21N., R.19E., M.D.B.&M.

The proposed place of use under the applications to change includes portions of Sections 3 and 4, T.20N.,R.19E., portions of Sections 14, 15, 21, and 22, all of Section 23 and portions of Sections 26, 27, 34, and 35, T.21N.,R.19E., M.D.B.&M. The proposed place of use decreases the area to be served in Section 3, increases the area in Section 4, T.20N.,R.19E., increases the area in Sections 15, 21, 22, 26, adds new area in Sections 14, 23, and 27, is the same in Sections 34 and 35, T.21N.,R.19E.

The service area of the Valley Water Company as described under their Certificate of Public Convenience and Necessity includes portions of Sections 3 and 4, T.20N.,R.19E., and a portion of Section 34, T.21N.,R.19E., M.D.B.&M. The proposed place of use expands the area of service but does not request an expansion of use.

The total appropriations held by the Valley Water Company amounts to 18.0392 c.f.s. or 1990.0 MGA for the service of a total of 5,600 units.

Dated this 26th day
of April, 1973.

Respectfully submitted,
Thomas J. Smales
Thomas J. Smales
Hydraulic Engineer