

IN THE MATTER OF APPLICATION 30985)  
FILED BY HOWARD L. CUNNINGHAM AND )  
LEONARD I. GANG TO APPROPRIATE )  
WATER FROM AN UNDERGROUND SOURCE )  
IN WASHOE COUNTY, NEVADA. )

R U L I N G

45

INTRODUCTION

Application 30985 was filed in the Office of the State Engineer on January 6, 1977 to appropriate water from an underground source for quasi-municipal and domestic purposes in Spanish Springs Valley, Washoe County, Nevada.

Water Resources - Reconnaissance Series Report 43, "Water Resources Appraisal of the Warm Springs - Lemmon Valley Area, Washoe County, Nevada", 1967 by F. Eugene Rush and Patrick A. Glancy and Water Resources - Reconnaissance Series Report 57, "A Brief Water Resources Appraisal of the Truckee River Basin, Western Nevada, 1973 by A. S. Van Denburgh, R. D. Lamke and J. L. Hughes, were prepared cooperatively by the Nevada Department of Conservation and Natural Resources, Division of Water Resources and the United States Department of the Interior, Geological Survey. These reports are available in the Office of the State Engineer.

FINDINGS OF FACT

I

Application 30985 was filed on January 6, 1977 by Howard L. Cunningham and Leonard I. Gang to appropriate 5.0 c.f.s. of water from an underground source for quasi-municipal and domestic purposes. The proposed point of diversion is described as within the NE $\frac{1}{4}$  SW $\frac{1}{4}$  Section 4, T.20N., R.20E., M.D.M. The place of use is described as 560 acres within the S $\frac{1}{2}$ , NW $\frac{1}{4}$  and the W $\frac{1}{2}$  NE $\frac{1}{4}$  of Section 4, T.20N., R.20E., M.D.M. The period of use is to be from January 1 to December 31 of each year. 1 /

II

The applicant states under Remarks of Application 30985 that:

"560 acres of patented land is to be subdivided. There are to be 4 lots per acre or a total of 2,240 lots. The water from the well described in this application is to supply the water for the subdivision lots." 2 /

III

The estimated annual recharge to the ground water reservoir from precipitation in Spanish Springs Valley total 600 acre-feet. 3 / The estimate of perennial yield from the ground water resources in Spanish Springs Valley totals 1,000 acre-feet. 4 / Application 30985 requests permission to appropriate 5.0 c.f.s. of water from an underground source in Spanish Springs Valley to total approximately 3,619 acre-feet per annum.

IV

Existing water rights of record from an underground source in the Spanish Springs Valley Ground Water Basin total 8,477 acre-feet annually, 1,172 acre-feet under certificated rights and 7,305 acre-feet under permitted rights. 5 /

V

Application 30985 is located within the area of the Spanish Springs Valley Ground Water Basin designated by the State Engineer under the provisions of NRS 534.030. 6 /

VI

The proposed point of diversion under Application 30985 is located below the Orr Ditch (extended) serving irrigation and stockwater to a portion of Spanish Springs Valley from the Truckee River under the Orr Ditch Decree. 7 /

VII

Problem exists of the suitability of ground water for domestic use and public supply because of overall poor quality at places along the southwest side of Spanish Springs Valley. 8 /

CONCLUSIONS

I. The State Engineer has jurisdiction of the parties and the subject matter of this action. 9 /

2. 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 welfare. 10 /

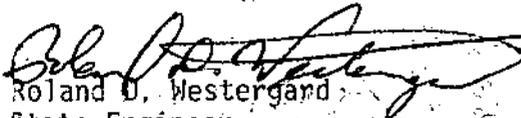
The appropriation of water under Application 30985 from the ground water source would tend to conflict with existing ground water rights.

3. The withdrawal of the quantity of water applied for and requested under Application 30985 could create a depression of the water table in this area with the potential intrusion of poor quality water.

RULING

Application 30985 is herewith denied on the grounds that the appropriation of the water applied for and requested would tend to impair the value of existing rights and be detrimental to the public welfare.

Respectfully submitted,

  
Roland D. Westergard  
State Engineer

RDW/WJN/dc

Dated this 28th day  
of September 1977.

## FOOTNOTES

1. Public records located in the Office of the State Engineer, Division of Water Resources, 201 South Fall Street, Carson City, Nevada 89710
2. Same as Footnote 1.
3. Water Resources - Reconnaissance Series Report 43 - 1967, page 23, prepared in cooperation with the Division of Water Resources, Department of Conservation and Natural Resources and the U. S. Geological Survey.
4. Page 49 of the same reference as Footnote 3.
5. Same as Footnote 1.
6. Order No. 533 dated March 10, 1975 on file as a public record in the Office of the State Engineer, Division of Water Resources, 201 South Fall Street, Carson City, Nevada.
7. United States District Court for the District of Nevada entitled United States v. Orr Water Ditch Co., et al., Equity No. A-3.
8. Water Resources - Reconnaissance Series Report 57 - 1973, pages 79-80 prepared in cooperation with the Division of Water Resources, Department of Conservation and Natural Resources and the U. S. Geological Survey.
9. NRS 533.025 and 533.030, subsection 1.
10. NRS 533.370, subsection 4.