

IN THE MATTER OF APPLICATION 35279)  
FILED TO CHANGE THE MANNER OF USE )  
OF WATERS HERETOFORE APPROPRIATED )  
UNDER PERMIT 32445 IN PLEASANT )  
VALLEY, WASHOE COUNTY, NEVADA )

R U L I N G

INTRODUCTION

Application 35279 was filed on April 14, 1978 for permission to change the manner of use of water heretofore appropriated in Pleasant Valley, Washoe County, Nevada. The proposed manner of use is for quasi-municipal purposes.

In 1973, Water Resources Reconnaissance Series Report 57, "A Brief Water Resources Appraisal of the Truckee River Basin, Western Nevada", by A. S. Vandenberg, 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 35279 was filed on April 14, 1978 by Pagni Brothers for permission to change the manner of use of 2.4 c.f.s. of water heretofore appropriated under Permit 32445. The application proposes to divert the water from a well located in the SE1/4 NE1/4, Section 13, T.17N., R.19E., M.D.B.&M. The water is to be used for quasi-municipal and domestic purposes within the SE1/4 NE1/4, NE1/4 SE1/4 Section 13, T.17N., R.19E., the NW1/4, W1/2 NE1/4 Section 18, T.17N., R.20E. A permit in the amount of 2.4 c.f.s. of water was issued under Application 32445 to Pagni Brothers on January 6, 1978. 1/

II

A protest to the granting of Application 35279 was filed on May 10, 1978 by Marilyn King Lewis. The grounds of the protest are as follows:

"Twenty new houses have just been built and sold in my immediate vicinity. To date no one has any idea what effect that will have on our already drought-depleted water supply. To approve any more building, particularly to approve hundreds of units, it appears to me to be irresponsible. It should be established before approval what our area can handle, particularly under the worst conditions. To do otherwise is inviting an expensive ghost town."

The protestant prays that the application be denied. 2/

III

The proposed point of diversion under Application 35279 is within the designated area of the Pleasant Valley Ground Water Basin as designated in the State Engineer's Order #709 dated March 1, 1978. 3/

IV.

A public hearing in the matter of Application 35279 was held before the State Engineer on Tuesday, July 18, 1978. Considerable testimony and evidence concerning the proposed appropriation was submitted at that hearing. 4/

V

In testimony from the applicants and their agents, it was stated that the water would be used to supply approximately 1200 living units. 5/

VI

Application 35279 proposes to change the manner of use of waters heretofore appropriated under Permit 32445, hence there would be no additional appropriation of water from the Ground Water Basin should this application be granted.

CONCLUSIONS

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

II

The State Engineer shall approve all applications made in proper form where all fees, as provided in this chapter, have been paid which contemplate the application of water to beneficial use and where the proposed use or change does not tend to impair the value of existing rights, or be otherwise detrimental to the public welfare. 7/

III

From the information submitted at the hearing and additional information available in the office of the State Engineer, it has been determined that the change in manner of use of water as applied for under Application 35279 would not tend to impair the value of existing rights or be otherwise detrimental to the public welfare.

RULING

The protest to the granting of Application 35279 is herewith overruled and a permit will be issued subject to the following conditions:

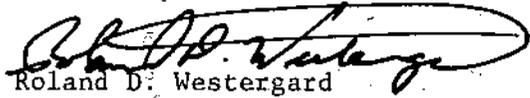
A. The total annual diversion of water under this permit shall be limited the amount necessary to serve water to 1200 living units, but not to exceed 428 acre-feet per annum.

B. A totalizing meter must be installed and maintained in the discharge pipeline near the point of diversion and accurate measurements of water placed to beneficial use must be kept. Copies of these measurements shall be submitted to the State Engineer in January of each year.

C. Individual water meters shall be installed in the service line to each resident.

D. Any surface water right appurtenant to the proposed place of use under Application 35279 must remain appurtenant to that land and may not be changed to other uses or areas.

Respectfully submitted,

  
Roland D. Westergard  
State Engineer

RDW/bl

Dated this 20th day

of OCTOBER 1978.

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FOOTNOTES

1. Public records in the office of the State Engineer.
2. Public records in the office of the State Engineer.
3. Public records in the office of the State Engineer.
4. Reporters Transcript of Proceedings in the Matter of Applications 35074, 35279 and 35280 dated July 18, 1978.
5. Reporters Transcript of Hearing.
6. NRS 533.025 and 533.030, subsection 1.
7. NRS 533.370, subsection 1.