

IN THE MATTER OF APPLICATION 39878 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 39878 was filed on December 3, 1979, by George I. Benny to appropriate 1.0 c.f.s., of the waters of an underground source to be diverted within the SE $\frac{1}{4}$  NW $\frac{1}{4}$  Section 13, T.19N., R.18E., M.D.B.& M., and to be used for quasi-municipal and domestic purposes. The water is to be used for a spa, motel, casino, bar, restaurant, other related uses, and a 130 space recreational vehicle park, located within the S $\frac{1}{2}$  NW $\frac{1}{4}$ , NE $\frac{1}{4}$  SW $\frac{1}{4}$ , NW $\frac{1}{4}$  SE $\frac{1}{4}$  of said Section 13. The estimated use is 98 acre-feet per year. 1/

II

The proposed point of diversion is only 250 feet from the Truckee River on which there are decreed and appropriated water rights.

III

Application 39878 was 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/

IV

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.

V

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/

VI

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 large additional quasi-municipal 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.

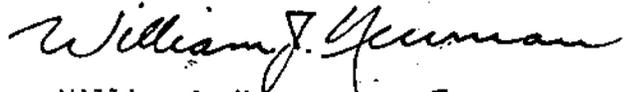
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The additional withdrawal and consumption of underground water as applied for would, therefore, conflict with and tend to impair the value of existing rights and threaten to prove detrimental to the public interest and welfare.

RULING

Application 39878 is denied on the grounds that the proposed appropriation of additional ground water 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 13th 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, 55.
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 and 36184.
6. NRS 533.025 and NRS 533.030, subsection 1.
7. NRS 533.370, subsections 1 and 4.