

IN THE MATTER OF APPLICATIONS 38037)
AND 38038 TO APPROPRIATE WATER FROM)
AN UNDERGROUND SOURCE IN TRUCKEE)
MEADOWS, WASHOE COUNTY, NEVADA)

R U L I N G

87

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

Applications 38037 and 38038 were filed by George Brown on April 27, 1979, each to appropriate 0.1 c.f.s. of underground water for commercial purposes. The points of diversion and place of use are within the SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 27, T.18N., R.20E., M.D.B.&M. 1/

II

Applications 38037 and 38038 were 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/

III

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.

IV

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/

V

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 large additional underground appropriations have been denied. 5/ The total appropriation under Applications 38037 and 38038 is estimated to be 50 acre-feet per year.

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 rights would result in additional consumptive use in this designated basin. The large 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.

RULING
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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

Applications 38037 and 38038 are denied on the grounds that the appropriation of additional ground water as applied for 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 16th day of
DECEMBER, 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, 45.
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, 32539, 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, 35635, 36184, 39878, 40988, 40989, 40990, 40991, 41034, 41035 and 41036.
6. NRS 533.025 and NRS 533.030, subsection 1.
7. NRS 533.370, subsections 1 and 4.