

IN THE MATTER OF APPLICATION 24444)
FILED BY WES NEWMAN TO APPROPRIATE)
THE EFFLUENT FROM THE RENO-STEAD)
SEWER TREATMENT PLANT FOR)
IRRIGATION PURPOSES IN WASHOE)
COUNTY, NEVADA.)

RULING

GENERAL

Application 24444¹ was filed on April 1, 1968, by Wes Newman to appropriate 0.5 c.f.s. of the effluent of the Reno-Stead Sewer Treatment Plant to be diverted within the NW1/4 SW1/4 Section 33, T.21N., R.19E., M.D.B.&M., and to be used for irrigation within portions of the SW1/4 NW1/4, NW1/4 SW1/4 and the NE1/4 SW1/4 Section 33, T.21N., R.19E., M.D.B.&M.

A field investigation² was held on April 19, 1972, concerning the above referenced application. Present were Wes Newman, applicant; George E. Miller, holder of Certificate 6370; and Bryan A. Randall from the Division of Water Resources.

It was determined that the plant discharges an average of .425 c.f.s. which co-mingles with storm drainage from the yards and streets of the Stead-Housing Area.

About .5 c.f.s. flows from the storm drainage resulting in a 1.0 c.f.s. flow in the drainage ditch. The drainage flows through an easement on Wes Newman's property to two settling ponds on George E. Miller's property where the water had been used to wash gravel in accordance with Mr. Miller's water right.

At the time of the investigation, it was decided that a transfer of Mr. Miller's right to Mr. Newman would be arranged allowing Mr. Newman a more dependable source of water for crop irrigation.

Certificate 6370³ was issued to George E. Miller to divert 5.0 c.f.s. from the effluent from Stead Air Force Base for washing gravel in the NW1/4 SW1/4 Section 33, T.21N., R.19E., M.D.B.&M. The present owner of record is R. B. Meredith, Jr.

¹ Application 24444 is a public record on file in the office of the State Engineer.

² A report of field investigation dated April 28, 1972, is filed with Application 24444 in the office of the State Engineer.

³ Certificate 6370 is a public record on file in the office of the State Engineer.

FINDINGS OF FACT

I.

NRS 533.440 provides that:

"Effluent discharged from the final treatment from within a sewage collection and treatment system shall be considered water and subject to appropriation for beneficial use under the reservoir-secondary permit procedure.

The person or persons proposing to apply to a beneficial use the water stored in any such reservoir shall file an application for a permit to be known as the secondary permit.

The application shall refer to the reservoir for a supply of water and shall show by documentary evidence that an agreement has been entered into with the owner of the reservoir for a permanent and sufficient interest in such reservoir to impound enough water for the purpose set forth in the application."⁴

II.

The City of Reno is the owner of the Reno-Stead Sewage Treatment Plant⁵ otherwise known as the Stead Sewer Plant or the Stead Air Force Base Sewage Treatment Facility.

III.

Wes Newman has applied for effluent from the Stead Sewer Plant in Application 24444.⁶

IV.

There is no agreement on file in the office of the State Engineer between the City of Reno and the applicant of 24444 as required under NRS 533.440, subsection 2.

⁴ NRS 533.440, subsections 1, 2, 3.

⁵ Letter from the City of Reno dated June 16, 1977, filed with Application 29276 in the office of the State Engineer.

⁶ See footnote 1.

V.

There is no evidence of a transfer of water rights from George E. Miller and Wes Newman on file in the office of the State Engineer.

CONCLUSIONS

I.

The State Engineer has jurisdiction of the parties and subject matter of this application.⁷

II.

NRS 533.440, subsection 2, clearly provides that documentary evidence of an agreement with the owner of a reservoir be included with an application for a secondary permit.⁸

RULING

Application 24444 is hereby denied for failure to comply with the provisions of NRS 533.440, subsection 2.

Respectfully submitted



Peter G. Morros
State Engineer

PGM/GC/b1

Dated this 13th day of
JULY, 1984.

⁷ NRS 533.325.

⁸ NRS 533.440, subsection 2.