

IN THE MATTER OF APPLICATION 47581 )  
TO APPROPRIATE UNDERGROUND WATER IN )  
LEMMON VALLEY, WASHOE COUNTY, )  
NEVADA. )

RULING

INTRODUCTION

In 1973, Water Resources Bulletin No. 42, Evaluation of the Water Resources of Lemmon Valley, Washoe County, Nevada, with Emphasis on Effects of Ground Water Development to 1971, by James R. Harrill, was prepared cooperatively by the Nevada Department of Conservation and Natural Resources, Division of Water Resources; the United States Department of the Interior, Geological Survey; Washoe County; and the City of Reno. This report is available from the office of the State Engineer.

In 1967, Water Resources-Reconnaissance Series Report No. 43, "Water Resources Appraisal of the Warm Springs - Lemmon Valley Area, Washoe County, Nevada", by F. Eugene Rush and Patrick A. Glancy, was prepared cooperatively by the Nevada Department of Conservation and Natural Resources, Division of Water Resources; and the United States Department of Interior, Geological Survey. The report is available from the office of the State Engineer.

FINDINGS OF FACT

I.

Application 47581 was filed by Sha-Neva, Inc., on January 16, 1984, to appropriate 0.0557 c.f.s. of underground water for commercial (dust control, pit operation) and domestic purposes. The point of diversion is from Well No. 1, Golden Valley, within the SE1/4 NE1/4 of Section 11, T.20N., R.19E., M.D.B.&M., and the place of use is within the NE1/4 NE1/4 and the E1/2 SE1/4 NE1/4 of Section 11, T.20N., R.19E., M.D.B.&M.<sup>1</sup>

II.

By an order dated July 14, 1971, the State Engineer designated and described the Lemmon Valley Ground Water Basin under the provisions of NRS Chapter 534.<sup>2</sup>

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<sup>1</sup> Public records located within the office of the State Engineer.

<sup>2</sup> State Engineer's Order No. 391.

Subsequent to July 14, 1971, the State Engineer has denied a multitude of prior applications, with priorities earlier than 47581, to appropriate the public waters of the State of Nevada where such applications had their proposed points of diversion within the Lemmon Valley Ground Water Basin.<sup>3</sup>

III.

It is estimated that the perennial yield of the Lemmon Valley Ground Water Reservoir is 1,300 acre-feet per year. Allowing for additional recharge from imported water, an augmented yield estimate is 1,600 acre-feet per year.<sup>4</sup>

IV.

Beneficial use has been shown for a total of 2,079 acre-feet per year of underground water within Lemmon Valley and 1,050 acre-feet per year are permitted water rights. Total water rights exceed 3,100 acre-feet per year.<sup>5</sup>

V.

An estimated 3,113 acre-feet of ground water was pumped in Lemmon Valley in 1983 with 2,252 acre-feet pumped from the East Lemmon subarea and 861 acre-feet pumped from the Silver Lake subarea.<sup>6</sup> In 1981, an estimated 920 acre-feet of ground water was pumped from Lemmon Valley.<sup>7</sup>

VI.

Approximately 4,800 lots have been formed by subdivision and parcelling in Lemmon Valley. Residences have been established on approximately 3,000 of these lots leaving over 1,800 lots undeveloped.<sup>8</sup>

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<sup>3</sup> Public records located within the office of the State Engineer.

<sup>4</sup> Water Resources Bulletin No. 42, pp. 2, 77 and 78.

<sup>5</sup> Public records located within the office of the State Engineer.

<sup>6</sup> Estimates were made by the office of the State Engineer.

<sup>7</sup> Estimates made by the office of the State Engineer.

<sup>8</sup> Estimates made in the office of the State Engineer partly from data received from the Regional Planning Commission, Reno, Sparks and Washoe County, and the office of the Washoe County Engineer and including the Lemmon Valley Comprehensive Plan, Phase I - Inventory and Analysis of the Regional Planning Commission, Reno, Sparks and Washoe County.

VII.

Static water levels have been measured since 1971 in a monitor well net of over 30 wells in Lemmon Valley. Declining static water levels have occurred in Golden Valley, the eastern side of the playa in East Lemmon Valley, and west of Black Springs. Rising static water levels have been shown to the south and west of the playa in East Lemmon Valley in areas recharged by effluent from sewage treatment plants and septic systems.<sup>9</sup>

VIII.

Recognizing the critical nature of the ground water resource development, the State Engineer has initiated and pursued a policy of strict regulation of water rights in the designated Lemmon Valley Basin.

Extensions of time for proving beneficial use have not been granted since 1971.

Since 1969, 56 applications to appropriate ground water have been denied.<sup>10</sup>

Meters have been required on wells with water rights.

CONCLUSIONS

I.

The State Engineer has jurisdiction of the parties and the subject matter of this action.<sup>11</sup>

II.

The State Engineer is authorized to deny applications prior to publication.<sup>12</sup>

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<sup>9</sup> Hydrographs of the monitor well measurements are public records located within the office of the State Engineer.

<sup>10</sup> Public records located within the office of the State Engineer. See denied Applications 22201, 22202, 22203, 26173, 26190, 26194, 26211, 26405, 26406, 27422, 28589, 28590, 29502, 29503, 30088, 30089, 30090, 30091, 30092, 30093, 30094, 30356, 30357, 30535, 30536, 30608, 30777, 30778, 30807, 30808, 30809, 30810, 31006, 31007, 31340, 32312, 32825, 33620, 36387, 36398, 36399, 36904, 38305, 38472, 38473, 38474, 38475, 40964, 40965, 41451, 42178, 42681, 43719, 43720, 43807 and 44419.

<sup>11</sup> NRS 533.025 and 533.030, subsection 1.

<sup>12</sup> NRS 533.370, subsection 3.

III.

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.<sup>13</sup>

IV.

Existing water rights for ground water in Lemmon Valley exceed the estimated perennial yield and the estimated augmented perennial yield for the Lemmon Valley Ground Water Reservoir. Beneficial use has been shown for water rights in excess of the estimated perennial yield in both the East Lemmon and Silver Lake subareas of Lemmon Valley.

In 1983, pumpage from the ground water reservoir in the Lemmon Valley Basin exceeded the estimated augmented yield.

To grant additional water rights under the subject application would adversely affect existing rights and threaten to prove detrimental to the public welfare.

V.

The potential exists for additional development and pumpage from the Lemmon Valley Ground Water Reservoir. Rapid urbanization of the area indicates pumpage will continue to increase.

To grant additional water rights from the Lemmon Valley Ground Water Reservoir under the subject application would overcommit this limited natural resource, conflict with existing rights, and threaten to prove detrimental to the public welfare.

VI.

Water levels in monitoring wells have shown declines in sub-areas of Lemmon Valley. Golden Valley is one of the sub-areas of Lemmon Valley where ground water levels have declined.

The appropriation of additional ground water for development would tend to accelerate water level declines and thereby conflict with existing rights and threaten to prove detrimental to the public welfare.

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<sup>13</sup> NRS 533.1370, subsection 3.

RULING

Application 47581 is herewith denied on the grounds that the granting of water rights for additional development from the designated Lemmon Valley Ground Water Basin would conflict with existing rights and be detrimental to the public interest and welfare in this area where appropriations and pumpage exceed the estimates of perennial yield.

Respectfully submitted

A handwritten signature in black ink, appearing to read "Peter G. Morros", written over a horizontal line.

Peter G. Morros  
State Engineer

PGM/SHF/bl

Dated this 13th day of  
JULY, 1984.