

IN THE OFFICE OF THE STATE ENGINEER

IN THE MATTER OF APPLICATIONS 48765)
AND 48766 FILED TO APPROPRIATE THE)
PUBLIC WATERS OF AN UNDERGROUND)
SOURCE IN WASHOE VALLEY, WASHOE)
COUNTY, NEVADA.)

RULING

GENERAL

I.

Application 48765 was filed on January 24, 1985, by Carson City to appropriate 2.75 c.f.s. of water from an underground source for municipal purposes within the service area of the Carson City Municipal Water System described as all of T.15N., R.20E., M.D.B.&M.; E1/2, T.15N., R.19E., M.D.B.&M.; Sections 2, 3, 4, E1/2 Section 5, and that portion of the N1/2 NE1/4 Section 6 which lies within Carson City limits, T.14N., R.20E., M.D.B.&M.; Sections 31, 32, 33, 34, 35, W1/2 Section 36, and those portions of the E1/2 Section 36 which lie within Carson City limits, T.16N., R.20E., M.D.B.&M.; S1/2 Sections 34, 35, and 36, NE1/4 Section 36, and those portions of the SW1/4, NW1/4 Section 36 and the S1/2 NE1/4 Section 35 which lie within the Carson City limits, T.16N., R.19E., M.D.B.&M. The point of diversion is described as being within the SW1/4 SE1/4 Section 23, T.16N., R.19E., M.D.B.&M.¹

Application 48766 was filed on January 24, 1985, by Carson City to appropriate 2.75 c.f.s. of water from an underground source for municipal purposes within the service area of the Carson City Municipal Water System described as all of T.15N., R.20E., M.D.B.&M.; E1/2, T.15N., R.19E., M.D.B.&M.; Sections 2, 3, 4, E1/2 Section 5, and that portion of the N1/2 NE1/4 Section 6 which lies within Carson City limits, T.14N., R.20E., M.D.B.&M.; Sections 31, 32, 33, 34, 35, W1/2 Section 36, and those portions of the E1/2 Section 36 which lie within Carson City limits, T.16N., R.20E., M.D.B.&M.; S1/2 Sections 34, 35, and 36, NE1/4 Section 36, and those portions of the SW1/4, NW1/4 Section 36 and the S1/2 NE1/4 Section 35 which lie within the Carson City limits, T.16N., R.19E., M.D.B.&M. The point of diversion is described as being within the NW1/4 NW1/4 Section 36, T.16N., R.19E., M.D.B.&M.¹

Applications 48765 and 48766 were protested on April 24, 1985, by Washoe Lake Reservoir and Galena Creek Ditch Company on the following grounds:¹

"The underground waters of Washoe Valley are now totally appropriated. Since the underground waters of Washoe Valley are in hydraulic connection with the surface waters, including Washoe Lakes, further appropriation of underground waters will reduce and adversely affect the surface storage and diversion rights of the Washoe Lake Reservoir and Galena Creek Ditch Co. as set forth in the Truckee River Decree on page 75."

¹ Public record in the office of the State Engineer.

FINDINGS OF FACT

I.

The points of diversion under Applications 48765 and 48766 are located within the Washoe Valley Ground Water Basin and within Washoe County, Nevada. The places of use of Applications 48765 and 48766 principally are located within Eagle Valley Ground Water Basin and within Carson City County, Nevada.¹ Applications 48765 and 48766 propose to export ground water from Washoe Valley into Eagle Valley for municipal purposes resulting in total consumptive use as relates to any potential return flows or secondary recharge to Washoe Valley.¹

II.

Applications 48765 and 48766 propose the same points of diversion, places of use, manners of use, and source of supply as proposed respectively by Applications 43700 and 45674.¹

III.

By Ruling No. 3201 dated June 5, 1985, Applications 43700, 45674, and other previous applications to appropriate ground water from Washoe Valley Ground Water Basin have been denied.¹ Applications 43700 and 45674 were denied on the grounds that the granting thereof would interfere with and impair the value of existing rights and would be detrimental to the public interest.¹

IV.

By Order No. 707, dated March 1, 1978, the State Engineer designated and described Washoe Valley Ground Water Basin under provisions of NRS Chapter 534 (Conservation and Distribution of Underground Waters).¹

V.

After public hearings² and by Ruling No. 3201,¹ dated June 5, 1985, the State Engineer concluded that the record provides substantial evidence on the:

² Public administrative hearings before the State Engineer in the matter of Applications 43700, 45674 and other applications to appropriate water were held on the following dates:

October 26, 1982;
November 14 through 16, 1984;
November 20, 1984;
December 13, 1984.

Extensive evidentiary presentations by the applicants and protestants were introduced into the record in support of and in opposition to the individual applications. The State Engineer took administrative notice of all records and information available in the State Engineer's office which includes but is not limited to several studies relating to water resources analysis and appraisal of surface water and ground water systems within Washoe Valley and adjacent basins. Additionally, the State Engineer received numerous letters and petitions signed by and represented to be property owners within the Washoe Valley Basin and a resolution from the Board of County Commissioners of Washoe County. Public record in the office of the State Engineer.

- (A) complexity, interconnection and delicate balance between the surface and ground water systems in Washoe Valley;
- (B) limited capacity for ground water recharge and storage without significantly altering the surface water and ground water inflows to Washoe and Little Washoe Lakes;
- (C) depletion of flows to the lakes will adversely impact the recreational and wildlife values of the valley and, therefore, would not be in the public interest;
- (D) distinctions that must be drawn between potential ground water recharge and actual ground water recharge because of the unique hydrologic components of the valley;
- (E) lowering of the ground water levels will allow and influence the infiltration and percolation of surface stream runoff into the ground water system thereby interfering with and impairing existing rights;
- (F) depletion of flows entering the lakes will adversely effect existing rights set forth under the Truckee River Decree; and
- (G) withdrawal of additional ground water and depletion of ground water storage will adversely effect existing ground water rights within the valley.

CONCLUSIONS

I.

The State Engineer has jurisdiction of the parties and the subject matter of this action and determination.³

II.

The State Engineer is prohibited by law from granting a permit under an application to appropriate the public waters where:⁴

- 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.

³ NRS Chapters 533 and 534.

⁴ NRS 533.370(3).

III.

Approval of Applications 48765 and 48766 would result in withdrawal and total consumptive use of the ground water resource and would adversely affect the availability of the ground water and surface water resources of Washoe Valley and the Truckee River Decree. Such withdrawal and use would deplete water resources and would interfere with and impair the value of existing water rights and would be detrimental to the public interest.

IV.

Applications 48765 and 48766 propose to appropriate water by means and for purposes which are similar to the means and purposes, respectively, of previous Applications 43700 and 45674 which have been denied.

RULING

The protests to the granting of Applications 48765 and 48766 are herewith upheld and Applications 48765 and 48766 are herewith denied on the grounds that the granting thereof would interfere with and impair the value of existing rights and would be detrimental to the public interest.

Respectfully submitted,



PETER G. MORROS
State Engineer

PGM/RLT/bl

Dated this 23rd day of
April, 1986.