

IN THE OFFICE OF THE STATE ENGINEER

IN THE MATTER OF APPLICATION 53149)  
FILED FILED BY U.S.D.I., BUREAU OF LAND)  
MANAGEMENT FOR WATER FROM AN)  
UNDERGROUND SOURCE FOR QUASI-)  
MUNICIPAL (FIRE STATION) USE WITHIN THE)  
QUINN RIVER VALLEY GROUNDWATER)  
BASIN, HUMBOLDT COUNTY, NEVADA. )

RULING

GENERAL

I.

Application 53149<sup>1</sup> was filed on April 18, 1989, to appropriate 1.0 cubic feet per second (c.f.s.) of water from an underground source for quasi-municipal (fire station) use. The point of diversion is described as being in the NE $\frac{1}{4}$  NW $\frac{1}{4}$  Section 16, T.47N., R.38E., M.D.B.&M. and the place of use within the same subdivision as the point of diversion. The water will be used to support a Bureau of Land Management fire station.

II.

A protest<sup>2</sup> to the granting of application 53149 was timely received in the State Engineer's office on July 19, 1989. The protest requests that the application be denied on the following grounds:

- "1) That application #39803 & #39804 was denied on their location is not over  $\frac{1}{4}$  mile from the new application #53149.
- 2) BLM has used water from the McDermitt Community Water System, which has two wells for public use.
- 3) According to your letter of June 28, 1985 (cert. mail #P010771277) an increase in wells would reduce the underground water source in the Quinn River Valley McDermitt subarea. You also stated in your letter that application #39803

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<sup>1</sup> Public record in the office of the State Engineer under Application 53149.

<sup>2</sup> See footnote 1.

and 39804 are hereby denied on the grounds that by granting this permit would adversely affect existing water rights."

**FINDINGS OF FACT**

I.

A multitude of applications to appropriate the underground waters of the Quinn River Groundwater Basin for irrigation purposes have been denied by the State Engineer on the grounds that the granting thereof would adversely affect existing rights and be detrimental to the public interest.<sup>3</sup>

II.

The amount of water required for day to day use in the fire station excluding water needed directly for fire fighting purposes is minimal and compares with that amount required for a single domestic dwelling.<sup>4</sup>

III.

In the interest of the public welfare the State Engineer is authorized to designate preferred uses in groundwater basins that are being depleted and on acting on applications to appropriate groundwater may designate such preferred uses as provided by statute<sup>5</sup> Application 53149 proposes to appropriate sufficient water for a Bureau of Land Management fire station in the McDermitt, Nevada area. This use will be beneficial to the public safety and is in the public interest.<sup>6</sup> The State Engineer finds that designating the use under Application 53149 as a preferred use is in the public welfare.

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<sup>3</sup> See rulings 889, 967 and 3205 in the office of the State Engineer under applications 22844; 23478; and 39803, 39804 and 46820, respectively.

<sup>4</sup> See letter dated August 25, 1989, on file as public record in the office of the State Engineer under Application 53149.

<sup>5</sup> NRS 534.120(2).

<sup>6</sup> The duty of water is established at 3,000 gallons per day based on estimated domestic needs and equipment maintenance needs.

IV.

Upon review of Application 53149 and other information supporting the application, the State Engineer finds that the duty of water can be established at 3,000 gallons per day plus fire suppression needs during emergencies. The rate of diversion should not exceed 1.0 c.f.s.<sup>7</sup>

V.

The place of use under Application 53149 is not within a reasonable distance of a utility that can provide water service.<sup>8</sup>

CONCLUSIONS

I.

The State Engineer has jurisdiction over the matter set forth herein.<sup>9</sup>

II.

The State Engineer concludes that it is in the public interest and welfare to approve Application 53149 for maintenance of a fire station and for fire suppression purposes.

III.

The State Engineer has authority to declare and designate the proposed use of water under Application 53149 a preferred use of the limited underground resource within the Quinn River Groundwater Basin.<sup>10</sup>

RULING

The protest to the granting of Application 53149 is hereby overruled on the

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<sup>7</sup> See footnote 4.

<sup>8</sup> See letter dated February 14, 1989, from McDermitt Water System on file under Application 53149, public record in the office of the State Engineer.

<sup>9</sup> NRS Chapters 533 and 534.

<sup>10</sup> NRS 534.120(2).

grounds that the proposed use under Application 53149 is in the public interest and welfare. The proposed use of water under Application 53149 is declared a preferred use of the limited underground resource within the Quinn River Groundwater Basin. The duty of water shall be limited to 1.0 c.f.s. not to exceed 3,000 gallons per day and that amount of water needed for fire suppression purposes. Application 53149 is also approved with the understanding that no change in manner of use will be allowed.

Respectfully submitted,



PETER G. MORROS  
State Engineer

PGM/BK

Dated this 28th day of  
September, 1989.