

IN THE OFFICE OF THE STATE ENGINEER  
OF THE STATE OF NEVADA

IN THE MATTER OF APPLICATION 58000 AND)  
APPLICATION 58001, FILED TO CHANGE THE)  
POINT OF DIVERSION, THE PLACE OF USE )  
AND THE MANNER OF USE OF PORTIONS OF )  
THE UNDERGROUND WATERS HERETOFORE )  
APPROPRIATED UNDER PERMIT 29261 AND )  
PERMIT 29262, RESPECTIVELY, WITHIN THE)  
SPANISH SPRINGS GROUNDWATER BASIN, )  
WASHOE COUNTY, NEVADA. )

RULING

# 3916

GENERAL

I.

Application 58000 was filed on August 24, 1992 by Washoe County to change the point of diversion, the place of use and the manner of use of 160.53 acre-feet annually, a portion of the underground waters heretofore appropriated under Permit 29261. The proposed manner of use is for municipal purposes within various sections located within T.20N., R.20E., T.20N., R.21E.; T.21N., R.20E.; and T.21N., R.21E.; all M.D.B.&M. The proposed point of diversion is an existing well site within Lot 4 of Section 6, T.20N., R.21E., M.D.B.&M. The existing point of diversion is described as being within the SE1/4 NE1/4 of Section 35, T.21N., R.20E., M.D.B.&M.<sup>1</sup>

Application 58001 was filed on August 24, 1992 by Washoe County to change the point of diversion, the place of use and the manner of use of 160.53 acre-feet annually, a portion of the underground waters heretofore appropriated under Permit 29262. The proposed manner of use is for municipal purposes within numerous sections located within T.20N., R.20E., T.20N., R.21E.; T.21N., R.20E.; and T.21N., R.21E.; all M.D.B.&M. The proposed point of diversion is an existing well site within Lot 5, Section 6, T.20N., R.21E., M.D.B.&M. The existing point of diversion is described as being within the SW1/4 SE1/4 Section 35, T.21., R.20E., M.D.B.&M.<sup>2</sup>

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<sup>1</sup> Public record in the office of the State Engineer filed under Application 58000.

<sup>2</sup> Public record in the office of the State Engineer filed under Application 58001.

II.

Application 58000 and Application 58001 were timely protested on November 23, 1992 by Timothy O. Tucker and Scott B. Tucker on the following grounds, to wit:

Applicant is attempting to transfer water rights into a well owned by applicant, the capacity of which is owned by protestants. At this time, protestants and applicant have not yet resolved the issues as to ownership of the well and pipeline capacity.

Therefore the protestant requests that the application be delayed pending resolution of the above.<sup>1,2</sup>

FINDINGS OF FACT

I.

By jurat on the final map for Countryside Subdivision I, Unit A, Brookside Industries, Inc. offered to Washoe County all water supply facilities and easements within the subdivision.<sup>1</sup>

II.

Washoe County accepted said offer by Resolution for Accepting Streets and Water Facilities enacted by the Washoe County Commissioners on June 27, 1989.<sup>1</sup>

III.

On April 18, 1989 a Grant Deed was executed between Brookside Savings and Loan Association and Washoe County assigning the land upon which the well facilities for Countryside Unit 1 were constructed to Washoe County.<sup>1</sup>

IV.

The proposed points of diversion under Applications 58000 and 58001 are located within the parcels of land and water facilities acquired by Washoe County through the above mentioned transfers.<sup>1,2</sup>

V.

It is beyond the authority of the State Engineer to adjudicate issues as to who may "own the capacity" of a municipal well.<sup>3</sup>

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<sup>3</sup> NRS Chapters 533 and 534.

VI.

The State Engineer finds that it is in the public interest to allow the change of an unused portion of a quasi-municipal permit into a municipal well owned by Washoe County to serve the expanding population demands in Spanish Springs Valley.

CONCLUSIONS

I.

The State Engineer has jurisdiction of the parties and the subject matter of this action.<sup>4</sup>

II.

The State Engineer is prohibited from approving a permit for an application to change if the application:

1. Conflicts with existing rights on the source, or
2. Is detrimental to the public interest.<sup>5</sup>

III.

The State Engineer concludes that the changes in the points of diversion contemplated by Application 58000 and Application 58001, would transfer portions of permitted underground water rights currently owned by Washoe County into existing well sites and supporting water facilities which have been assigned and dedicated to Washoe County through previous transfer processes.

IV.

The granting of Applications of Change 58000 and 58001 will not interfere with or impair existing rights.

V.

The granting of Applications to Change 58000 and 58001 is in the public interest.

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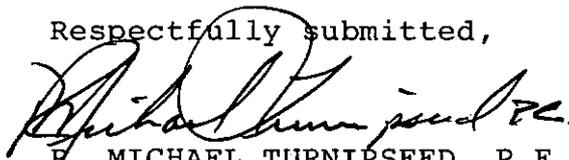
<sup>4</sup> NRS Chapters 533 and 534.

<sup>5</sup> NRS 533.370.

RULING

The protests to the granting of Application 58000 and Application 58001 are overruled and Application 58000 and Application 58001 will be approved subject to existing rights, and upon receipt of the statutory permit fees.

Respectfully submitted,



R. MICHAEL TURNIPSEED, P.E.  
State Engineer

RMT/MB/pm

Dated this 28th day of  
December, 1992.