

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

IN THE MATTER OF APPLICATION 57874)
FILED TO CHANGE THE POINT DIVERSION)
OF A PORTION OF THE WATERS OF AN)
UNDERGROUND SOURCE HERETOFORE)
APPROPRIATED UNDER PERMIT 53247, IN)
THE TRUCKEE MEADOWS, WASHOE COUNTY,)
NEVADA.)

RULING
3934

GENERAL

I.

Application 57874 was filed on July 20, 1992, by Washoe County requesting permission to change the point of diversion of a portion of the waters of an underground source, heretofore appropriated under Permit 53247 for municipal purposes. The existing point of diversion under Permit 53247 was located within the Lot 8 of Section 16, T.19N., R.20E., M.D.B.&M. The proposed point of diversion under Application 57874 is described as being within the NW1/4 SW1/4 of Section 16, T.19N., R.20E., M.D.B.&M.¹

II.

Application 57874 was timely protested by Westpac Utilities on the grounds that:

A portion of the proposed place of use is within the certified water service area of Westpac Utilities. The attached map shows the proposed place of use of Westpac Utilities and 57874. The areas shaded in orange are in violation of Westpac's certified water service area. Westpac requests the application's place of use exclude those areas within Westpac's certified water service area.²

¹ Public record in the office of the State Engineer, Permit 53247 and Application 57874.

² Public record in the office of the State Engineer, Application 57847.

FINDINGS OF FACT

I.

Application 57874 does not attempt to change the place of use of Permit 53247. The point of diversion is the only aspect of Permit 53247 requested to be change.³

II.

Permit 53247 was issued by the State Engineer on December 19, 1989 to change the manner of use and place of use of Permit 48091. The areas of the place of use described in the protest of Westpac Utilities to the granting of Application 57874 were granted under Permit 53247. Westpac Utilities did not protest the granting of Permit 53247 and has not provided the State Engineer with any documentation that the granting of Permit 53247 conflicted with their existing rights.

III.

The proposed point of diversion is located approximately 2,000 feet from the existing point of diversion and will not result in a well any closer to the nearest Westpac Utilities well or any other permitted well in the area.

CONCLUSIONS

I.

The State Engineer has jurisdiction over the matter described herein.⁴

II.

The State Engineer is prohibited by law from granting a permit to change where:

- A. The proposed use conflicts with existing rights, or
- B. The proposed use threatens to prove detrimental to the public interest.⁵

³ See line four on Application 57874 to change the point of diversion of a portion.

⁴ NRS 533 and 534.

⁵ NRS 533.370.

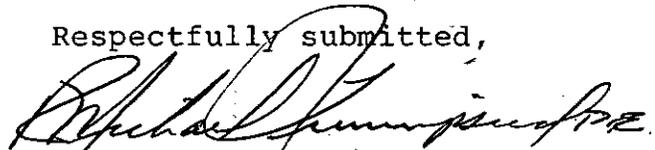
III.

The State Engineer concludes that the granting of a permit for Application 57874 will not conflict with existing rights or prove detrimental to the public interest since the place of use is not being changed and the change in point of diversion will not result in a well any closer to the nearest Westpac Utilities well or any other permitted well in the area.

RULING

The protest to Application 57874 is hereby overruled and a permit will be issued subject to existing rights and payment of the statutory permit fee.

Respectfully submitted,



B. MICHAEL TURNIPSEED, P.E.
State Engineer

RMT/TEG/pm

Dated this 8th day of
February, 1993.