

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

IN THE MATTER OF APPLICATION 60071 FILED)
TO APPROPRIATE THE PUBLIC WATERS OF AN)
UNDERGROUND SOURCE WITHIN THE WASHOE)
VALLEY GROUNDWATER BASIN, WASHOE COUNTY,))
NEVADA.)

RULING
4139

GENERAL

I.

Application 60071 was filed on May 13, 1994 by the Board of Regents, University of Nevada, Reno to appropriate 0.2 cfs of water from an underground source for commercial purposes within the NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 17, T.16N., R.19E., M.D.B.&M. The point of diversion is within the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 17, T.16N., R.19E., M.D.B.&M.¹

II.

Application 60071 proposes to use water for a University research facility, with domestic use for a maximum of 24 faculty and students, and a water tank for fire protection. The total usage was estimated to be 265,000 gallons per year.¹

III.

On March 1, 1978, the State Engineer designated the Washoe Valley Groundwater Basin as needing additional administration under the provisions of NRS Chapter 534.²

FINDINGS OF FACT

I.

Applications 38077, 38344, 41458, 46451 and 46475, filed to appropriate groundwater in the Washoe Valley Groundwater Basin for quasi-municipal and domestic uses, were denied on the grounds that the granting thereof would interfere with and impair the value of

¹ File No. 60071, Public record in the Office of the State Engineer.

² State Engineer's Order No. 707, March 1, 1978.

existing rights and would be detrimental to the public interest.³ The State Engineer finds that the proposed use for the University research facility as described in Application 60071 is very similar to the proposed uses of water contemplated under the previously denied applications.

II.

Application 60071 seeks to appropriate water from the designated Washoe Valley Groundwater Basin.^{1,2} The applicant proposed to drill a well and pump the groundwater in much the same manner as proposed under previously denied Applications 38077, 38344, 41458, 46451 and 46475.^{1,3} The State Engineer finds that the grounds for denial of these previously denied applications apply equally as well to Application 60071.

CONCLUSIONS

I.

The State Engineer has jurisdiction of the parties and the subject matter of this action and determination.⁴

II.

The State Engineer is prohibited by law from granting a permit under an application to appropriate the public waters where:⁵

- 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.

The State Engineer may deny an application without publication where a previous application for a similar use in the same basin has been denied on these grounds.⁵

³ State Engineer's Ruling No. 3201, June 5, 1985, official records in the Office of the State Engineer.

⁴ NRS Chapters 533 and 534.

⁵ NRS Chapter 533.370(3).

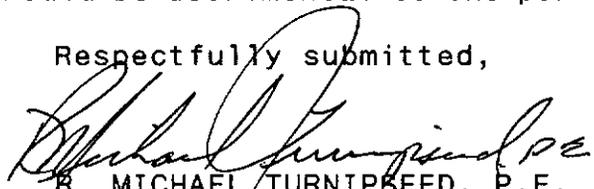
III.

In the past, applications filed to appropriate water from the Washoe Valley Groundwater Basin for a use similar to that proposed in Application 60071, have been denied. The grounds for denial were that the proposed use would conflict with existing rights and threaten to prove detrimental to the public interest. The grounds for denial of those applications pertain to Application 60071 as well. Therefore, the State Engineer concludes that Application 60071 should be denied without publication.

RULING

Application 60071 is herewith denied on the grounds that the granting thereof would interfere with and tend to impair the value of existing rights and would be detrimental to the public interest.

Respectfully submitted,



R. MICHAEL TURNIPSEED, P.E.
State Engineer

RMT/MDB/pm

Dated this 8th day of
September, 1994.