

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

IN THE MATTER OF APPLICATIONS 52634)
AND 52635 FILED TO APPROPRIATE THE)
PUBLIC WATERS OF AN UNDERGROUND)
SOURCE WITHIN THE COLD SPRINGS)
VALLEY GROUNDWATER BASIN (100),)
WASHOE COUNTY, NEVADA.)

RULING

4570

GENERAL

I.

Applications 52634 and 52635 were filed on October 24, 1988, by E.J. Nicholson to appropriate 4.5 cubic feet per second (cfs) each of underground water from the Cold Springs Valley Groundwater Basin, Washoe County, Nevada. The proposed manner and place of use described in both applications is for quasi-municipal purposes within the S $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$ and NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 16, T.21N., R.18E., M.D.B.&M. The proposed points of diversion are described as being located within the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 34 and the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 16, respectively, both in T.21N., R.18E., M.D.B.&M.¹

II.

By Order No. 606 the State Engineer designated and described the Cold Springs Valley Groundwater Basin under the provisions of NRS § 534.030 as a basin in need of additional administration.² The proposed points of diversion under the subject applications are within the designated area.

III.

The remarks section of Applications 52634 and 52635 indicate that these applications were filed to appropriate underground water for a proposed ± 400 lot residential subdivision.

IV.

Applications 52634 and 52635 were timely protested by the Reno

¹ File Nos. 52634 and 52635, official records in the office of the State Engineer.

² State Engineer's Order Number 606, dated January 18, 1977, official records in the office of the State Engineer.

Park Water Co., Inc. on the following grounds:¹

The applications if granted will adversely affect existing water rights of protestant since any appropriation will use water from a ground water basin which has been fully appropriated and designated by the State Engineer. Protestant is further advised that applicant does not own any property on which to prove beneficial use. Further, protestant is a public utility which should service any additional water needs in the area.

FINDINGS OF FACT

I.

The perennial yield of a hydrologic basin is the maximum amount of water of usable chemical quality that can be consumed economically each year for an indefinite period of time. The perennial yield cannot exceed the natural replenishment to an area indefinitely, and ultimately is limited to the maximum amount of natural recharge that can be salvaged for beneficial use. If the perennial yield is continually exceeded groundwater levels will decline until the groundwater reservoir is depleted. Withdrawals of groundwater in excess of the perennial yield contribute to adverse conditions such as water quality degradation, storage depletion, diminishing yield of wells, increased economic pumping lifts, land subsidence and possible reversal of groundwater gradients which could result in significant changes in the recharge-discharge relationship.³

The United States Geological Survey estimates that the perennial yield of the Cold Springs Valley Groundwater Basin is 500 acre-feet annually.⁴ The committed groundwater resource in the

³ State Engineer's office, Water for Nevada, State of Nevada Water Planning Report No. 3, p. 13, October 1971.

⁴ Rush, F. Eugene and Glancy, Patrick A., Water-Resources Appraisal of the Warm Springs - Lemmon Valley Area, Washoe County, Nevada., Water Resources Reconnaissance-Series Report 43, Geological Survey, U.S. Department of Interior, State of Nevada, Department of Conservation and Natural Resources, p. 49.

form of permits and certificates issued by the State Engineer's office for groundwater withdrawal within the Cold Springs Valley Groundwater Basin exceeds 1,000 acre-feet annually.⁵ The State Engineer finds that the current committed groundwater resource of the Cold Springs Valley Groundwater Basin exceeds the estimated perennial yield of the groundwater basin.

II.

The State Engineer finds that the approval of Applications 52634 and 52635 would conflict with the many existing water rights in the groundwater basin.

CONCLUSIONS OF LAW

I.

The State Engineer has jurisdiction over the parties and the subject matter of this action and determination.⁶

II.

The State Engineer is prohibited by law from granting a permit where:⁷

- A. there is no unappropriated water at the proposed source;
- B. the proposed use conflicts with existing rights; or
- C. the proposed use threatens to prove detrimental to the public interest.

III.

The State Engineer concludes that to grant permits under Applications 52634 and 52635 in a groundwater basin where the quantity of water under existing appropriations exceeds the

⁵ Special Hydrologic Basin Abstract, Water Rights Database July 20, 1997, official records in the office of the State Engineer.

⁶ NRS Chapters 533 and 534.

⁷ NRS § 533.370.

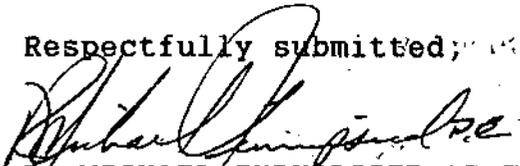
Ruling
Page 4

perennial yield would conflict with existing rights and be detrimental to the public interest.

RULING

Applications 52634 and 52635 are hereby denied on the grounds that granting the applications would interfere with existing rights and be detrimental to the public interest.

Respectfully submitted;



R. MICHAEL TURNIPSEED, P.E.
State Engineer

RMT/MDB/ab

Dated this 1st day of
October, 1997.