

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

IN THE MATTER OF APPLICATION 62394)  
FILED TO APPROPRIATE THE EFFLUENT )  
WATER WITHIN THE COLD SPRINGS )  
VALLEY GROUNDWATER BASIN (100), )  
WASHOE COUNTY, NEVADA. )

RULING

# 4587

GENERAL

I.

Application 62394 was filed on August 20, 1996, by Washoe County to appropriate 1.55 cubic feet per second of treated effluent water from the Cold Springs Valley Wastewater Treatment Plant. The application indicated that the proposed manner of use and the proposed place of use would be determined by a secondary application to be filed in the future.<sup>1</sup>

II.

Application 62394 was timely protested by Hamilton Properties, Inc. on the following grounds:<sup>1</sup>

Hamilton Properties, Inc. has filed a prior Application (#61666) to appropriate all of the effluent (1.0 MGD) from the proposed Cold Springs Valley Wastewater Treatment Plant. The applicant is also successor in interest to the applicant under Application #58689. Granting of Application #62394 would be adverse to the prior applications of Hamilton Properties, Inc. There will be no additional effluent to appropriate over and above that applied for in Applications #58689 and #61666.

FINDINGS OF FACT

I.

The State Engineer finds that Application 58689 was denied by the State Engineer on August 26, 1997,<sup>2</sup> and Application 61666 was

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<sup>1</sup> File No. 62394, official records in the office of the State Engineer.

<sup>2</sup> State Engineer's Ruling No. 4561, dated August 26, 1997, official records in the office of the State Engineer.

denied by the State Engineer on October 1, 1997;<sup>3</sup> therefore, the basis for the protest no longer exist.

II.

Application 62394 requests an appropriation of effluent water from the Cold Springs Valley Wastewater Treatment Plant. Effluent water is subject to appropriation for a beneficial use under the reservoir - secondary permit procedure.<sup>4</sup> The subject application is for a reservoir permit and beneficial use of the water would be determined under secondary permits. The State Engineer finds that Washoe County as the applicant is also the entity with the responsibility for the operation and maintenance of the Cold Springs Valley Wastewater Treatment Plant and is the permittee under the discharge permit issued by the Nevada Division of Environmental Protection demonstrating that the applicant has a permanent and sufficient interest in the reservoir.

CONCLUSIONS OF LAW

I.

The State Engineer has jurisdiction over the parties and the subject matter of this action and determination.<sup>5</sup>

II.

The State Engineer is prohibited by law from granting an application to appropriate the public waters where:<sup>6</sup>

- a. there is no unappropriated water at the proposed source, or
- b. the proposed use conflicts with existing rights, or

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<sup>3</sup> State Engineer's Ruling No. 4569, dated October 1, 1997, official records in the office of the State Engineer.

<sup>4</sup> NRS § 533.440.

<sup>5</sup> NRS Chapter 533.

<sup>6</sup> NRS § 533.370(3).

- c. the proposed use threatens to prove detrimental to the public interest.

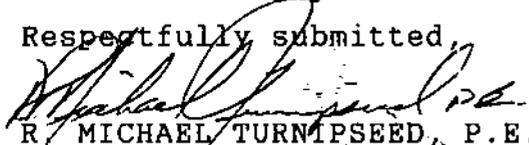
III.

An application to appropriate effluent water from a wastewater treatment facility is subject to the provision established under the reservoir - secondary permit procedure. The State Engineer concludes that the applicant has a sufficient and permanent interest in the reservoir to support the application, the protestant has no such interest in the reservoir and the protestant's applications to appropriate the effluent waters have been denied; therefore, there is no conflict with existing water rights of protestant.

RULING

The protest to Application 62394 is hereby overruled on the grounds that there is no interference with the protestant's existing water rights as the protestant has no rights in the effluent waters of the treatment plant. Application 62394 is approved subject to the payment of statutory permit fees.

Respectfully submitted,

  
R MICHAEL TURNIPSEED, P.E.  
State Engineer

RMT/SJT/ab

Dated this 9th day of  
December, 1997.