

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

IN THE MATTER OF APPLICATIONS 44245)
AND 44246 FILED TO APPROPRIATE SEWAGE)
EFFLUENT FROM A SOURCE IN THE SPANISH)
SPRINGS GROUNDWATER BASIN (085),)
WASHOE COUNTY, NEVADA.)

RULING

#4613

GENERAL

I.

Application 44245 was filed by Three D Corporation on August 7, 1981, to appropriate 6.0 cubic feet per second (cfs) of sewage effluent for storage purposes and the beneficial use to be determined by secondary applications. The proposed point of diversion is described as being located at a sewage treatment plant located within the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 22, T.20N., R.20E., M.D.B. & M.¹

Application 44246 was filed by Three D Corporation on August 7, 1981, for 6.0 cfs of direct appropriation of sewage effluent to be used for the irrigation of 120 acres described as the W $\frac{1}{2}$ SW $\frac{1}{4}$ of Section 15, and portions of the W $\frac{1}{2}$ NW $\frac{1}{4}$ of Section 22, T.20N., R.20E., M.D.B. & M. The proposed point of diversion is described as being located within the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 22, T.20N., R.20E., M.D.B. & M.²

FINDINGS OF FACT

I.

Nevada Revised Statute § 533.440 provides for the filing of reservoir and secondary permits for the effluent discharged from the point of treatment from within a sewage collection and treatment system. Any application for the reservoir supply of

¹ File No. 44245, official records in the office of the State Engineer.

² File No. 44246, official records in the office of the State Engineer.

water shall show by documentary evidence that an agreement has been entered into with the owner of the reservoir for a permanent and sufficient interest in such reservoir to impound enough water for the purpose set forth in the application. The State Engineer finds that no documentary evidence of an agreement accompanied Application 44245.

II.

Applications 44245 and 44246 describe the points of diversion of the sewage effluent as being within the NW¼ NW¼ of Section 22, T.20N., R.20E., M.D.B. & M. Information contained within the records of the office of the State Engineer reveals that Washoe County currently has no plans to construct a sewage treatment facility at that location. Therefore, the State Engineer finds that there is no source for the proposed appropriations because there is no sewage treatment facility at the proposed points of diversion.^{1,2}

II.

The State Engineer finds there is no sewage effluent available at the proposed source for appropriation; therefore, there is no water to appropriate under these applications.

CONCLUSIONS

I.

The State Engineer has jurisdiction over the parties and the subject matter of this action and determination.³

II.

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

1. there is no unappropriated water at the proposed source; or
2. the proposed use conflicts with existing rights; or

³ NRS Chapter 533.

3. the proposed use threatens to prove detrimental to the public interest.⁴

III.

Applications 44245 and 44246 seek to appropriate sewage effluent from a sewage treatment facility which does not exist. The State Engineer concludes that permits cannot be granted because there is no sewage effluent available for appropriation at the proposed source.

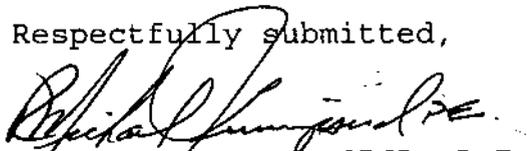
IV.

The State Engineer concludes that Application 44245 does not comply with the provision of NRS § 533.440 which requires evidence of an agreement with the owner of a reservoir for a permanent and sufficient interest in such reservoir to impound enough water for the purpose set forth in the application.

RULING

Applications 44245 and 44246 are hereby denied on the grounds that there is no water available to appropriate.

Respectfully submitted,


R. MICHAEL TURNIPSEED, P.E.
State Engineer

RMT/CAB/cl

Dated this 18th day of
March, 1998.

⁴ NRS § 533.370(3).