

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

IN THE MATTER OF APPLICATIONS 50253, 50254 )  
AND 50255, RED ROCK VALLEY (099); 50256, )  
50283, 50285, 50287, 50288, DUCK LAKE VALLEY )  
(016); 50257, 50284, 50286 SURPRISE VALLEY )  
(014); 50259 PYRAMID LAKE VALLEY (081); )  
50289, 50290, 50291, SMOKE CREEK VALLEY )  
(021); 50292 AND 50293 NEWCOMB LAKE VALLEY )  
(096); FILED TO APPROPRIATE THE PUBLIC WATER )  
REQUESTED FOR APPROPRIATION UNDER )  
APPLICATIONS 50191 THROUGH 50241, INCLUSIVE, )  
ALL WITHIN WASHOE COUNTY, NEVADA. )

RULING

# 4622

GENERAL

I.

Application 50253 was filed on October 8, 1986, by Washoe County and the City of Sparks for power (pumped storage of electrical energy) purposes associated with the storage of 14,000 acre-feet of water in an artificial reservoir to be constructed as part of an electrical energy pumped storage project. The proposed source of water is described as the underground water appropriated under Applications 50191 through 50241, inclusive, which were previously filed by Washoe County to appropriate large quantities of underground water from various hydrologic basins located entirely in Northern and Central Washoe County. The proposed point of diversion is described as being located within the SE¼ SW¼ of Section 4, T.22N., R.18E., M.D.B. & M. The proposed place of use is described as Washoe County as described under NRS § 243.340 et seq.<sup>1</sup>

II.

Application 50254 was filed on October 8, 1986, by Washoe County and the City of Sparks for power (pumped storage of electrical energy) purposes associated with the storage of 20,000 acre-feet of water in an artificial reservoir to be constructed as part of an electrical energy pumped storage project. The proposed

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<sup>1</sup> File No. 50253, official records in the office of the State Engineer.

source of water is described as the underground water appropriated under Applications 50191 through 50241, inclusive, which were previously filed by Washoe County to appropriate large quantities of underground water from various hydrologic basins located entirely in Northern and Central Washoe County. The proposed point of diversion is described as being located within the SE¼ NW¼ of Section 3, T.22N., R.18E., M.D.B.& M. The proposed place of use is described as Washoe County as described under NRS § 243.340, et seq.<sup>2</sup>

### III.

Application 50255 was filed on October 8, 1986, by Washoe County and the City of Sparks for power (pumped storage of electrical energy) purposes associated with the storage of 21,000 acre-feet of water in an artificial reservoir to be constructed as part of an electrical energy pumped storage project. The proposed source of water is described as the underground water appropriated under Applications 50191 through 50241, inclusive, which were previously filed by Washoe County to appropriate large quantities of underground water from various hydrologic basins located entirely in Northern and Central Washoe County. The proposed point of diversion is described as being located within the SE¼ NW¼ of Section 2, T.22N., R.18E., M.D.B.& M. The proposed place of use is described as Washoe County as described under NRS § 243.340 et seq.<sup>3</sup>

### IV.

Application 50256 was filed on October 8, 1986, by Washoe County and the City of Sparks for power (pumped storage of electrical energy) purposes associated with the storage of 38,000 acre-feet of water in an artificial reservoir to be constructed as

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<sup>2</sup> File No. 50254, official records in the office of the State Engineer.

<sup>3</sup> File No. 50255, official records in the office of the State Engineer.

part of an electrical energy pumped storage project. The proposed source of water is described as the underground water appropriated under Applications 50191 through 50241, inclusive, which were previously filed by Washoe County to appropriate large quantities of underground water from various hydrologic basins located entirely in Northern and Central Washoe County. The proposed point of diversion is described as being located within the NE¼ SE¼ of Section 11, T.38N., R.18E., M.D.B.& M. The proposed place of use is described as Washoe County as described under NRS § 243.340 et seq.<sup>4</sup>

V.

Application 50257 was filed on October 8, 1986, by Washoe County and the City of Sparks for power (pumped storage of electrical energy) purposes associated with the storage of 29,000 acre-feet of water in an artificial reservoir to be constructed as part of an electrical energy pumped storage project. The proposed source of water is described as the underground water appropriated under Applications 50191 through 50241, inclusive, which were previously filed by Washoe County to appropriate large quantities of underground water from various hydrologic basins located entirely in Northern and Central Washoe County. The proposed point of diversion is described as being located within the SE¼ NE¼ of Section 16, T.38N., R.18E., M.D.B.& M. The proposed place of use is described as Washoe County as described under NRS § 243.340 et seq.<sup>5</sup>

VI.

Application 50259 was filed on October 8, 1986, by Washoe County and the City of Sparks for power (pumped storage of electrical energy) purposes associated with the storage of 4,000

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<sup>4</sup> File No. 50256, official records in the office of the State Engineer.

<sup>5</sup> File No. 50257, official records in the office of the State Engineer.

acre-feet of water in an artificial reservoir to be constructed as part of an electrical energy pumped storage project. The proposed source of water is described as the underground water appropriated under Applications 50191 through 50241, inclusive, which were previously filed by Washoe County to appropriate large quantities of underground water from various hydrologic basins located entirely in Northern and Central Washoe County. The proposed point of diversion is described as being located within the NW¼ NE¼ of Section 5, T.25N., R.20E., M.D.B.& M. The proposed place of use is described as Washoe County as described under NRS § 243.340 et seq.<sup>6</sup>

#### VII.

Application 50283 was filed on October 16, 1986, by Washoe County and the City of Sparks for power (pumped storage of electrical energy) purposes associated with the storage of 13,000 acre-feet of water in an artificial reservoir to be constructed as part of an electrical energy pumped storage project. The proposed source of water is described as the underground water appropriated under Applications 50191 through 50241, inclusive, which were previously filed by Washoe County to appropriate large quantities of underground water from various hydrologic basins located entirely in Northern and Central Washoe County. The proposed point of diversion is described as being located within the NE¼ NW¼ of Section 25, T.38N., R.18E., M.D.B.& M. The proposed place of use is described as Washoe County as described under NRS § 243.340 et seq.<sup>7</sup>

#### VIII.

Application 50284 was filed on October 16, 1986, by Washoe County and the City of Sparks for power (pumped storage of

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<sup>6</sup> File No. 50259, official records in the office of the State Engineer.

<sup>7</sup> File No. 50283, official records in the office of the State Engineer.

electrical energy) purposes associated with the storage of 4,600 acre-feet of water in an artificial reservoir to be constructed as part of an electrical energy pumped storage project. The proposed source of water is described as the underground water appropriated under Applications 50191 through 50241, inclusive, which were previously filed by Washoe County to appropriate large quantities of underground water from various hydrologic basins located entirely in Northern and Central Washoe County. The proposed point of diversion is described as being located within the NE¼ SW¼ of Section 33, T.39N., R.18E., M.D.B.& M. The proposed place of use is described as Washoe County as described under NRS § 243.340 et seq.<sup>8</sup>

IX.

Application 50285 was filed on October 16, 1986, by Washoe County and the City of Sparks for power (pumped storage of electrical energy) purposes associated with the storage of 4,600 acre-feet of water in an artificial reservoir to be constructed as part of an electrical energy pumped storage project. The proposed source of water is described as the underground water appropriated under Applications 50191 through 50241, inclusive, which were previously filed by Washoe County to appropriate large quantities of underground water from various hydrologic basins located entirely in Northern and Central Washoe County. The proposed point of diversion is described as being located within the SW¼ SW¼ of Section 26, T.39N., R.18E., M.D.B.& M. The proposed place of use is described as Washoe County as described under NRS § 243.340 et seq.<sup>9</sup>

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<sup>8</sup> File No. 50284, official records in the office of the State Engineer.

<sup>9</sup> File No. 50285, official records in the office of the State Engineer.

X.

Application 50286 was filed on October 16, 1986, by Washoe County and the City of Sparks for power (pumped storage of electrical energy) purposes associated with the storage of 14,300 acre-feet of water in an artificial reservoir to be constructed as part of an electrical energy pumped storage project. The proposed source of water is described as the underground water appropriated under Applications 50191 through 50241, inclusive, which were previously filed by Washoe County to appropriate large quantities of underground water from various hydrologic basins located entirely in Northern and Central Washoe County. The proposed point of diversion is described as being located within the SW $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 27, T.38N., R.18E., M.D.B.& M. The proposed place of use is described as Washoe County as described under NRS § 243.340 et seq.<sup>10</sup>

XI.

Application 50287 was filed on October 16, 1986, by Washoe County and the City of Sparks for power (pumped storage of electrical energy) purposes associated with the storage of 9,200 acre-feet of water in an artificial reservoir to be constructed as part of an electrical energy pumped storage project. The proposed source of water is described as the underground water appropriated under Applications 50191 through 50241, inclusive, which were previously filed by Washoe County to appropriate large quantities of underground water from various hydrologic basins located entirely in Northern and Central Washoe County. The proposed point of diversion is described as being located within the NE $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 27, T.37N., R.18E., M.D.B.& M. The proposed place of use

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<sup>10</sup> File No. 50286, official records in the office of the State Engineer.

is described as Washoe County as described under NRS § 243.340 et seq.<sup>11</sup>

**XII.**

Application 50288 was filed on October 16, 1986, by Washoe County and the City of Sparks for power (pumped storage of electrical energy) purposes associated with the storage of 9,200 acre-feet of water in an artificial reservoir to be constructed as part of an electrical energy pumped storage project. The proposed source of water is described as the underground water appropriated under Applications 50191 through 50241, inclusive, which were previously filed by Washoe County to appropriate large quantities of underground water from various hydrologic basins located entirely in Northern and Central Washoe County. The proposed point of diversion is described as being located within the SE¼ NW¼ of Section 28, T.37N., R.18E., M.D.B. & M. The proposed place of use is described as Washoe County as described under NRS § 243.340 et seq.<sup>12</sup>

**XIII.**

Application 50289 was filed on October 16, 1986, by Washoe County and the City of Sparks for power (pumped storage of electrical energy) purposes associated with the storage of 4,500 acre-feet of water in an artificial reservoir to be constructed as part of an electrical energy pumped storage project. The proposed source of water is described as the underground water appropriated under Applications 50191 through 50241, inclusive, which were previously filed by Washoe County to appropriate large quantities of underground water from various hydrologic basins located entirely in Northern and Central Washoe County. The proposed point

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<sup>11</sup> File No. 50287, official records in the office of the State Engineer.

<sup>12</sup> File No. 50288, official records in the office of the State Engineer.

of diversion is described as being located within the SE¼ NW¼ of Section 12, T.29N., R.18E., M.D.B.& M. The proposed place of use is described as Washoe County as described under NRS § 243.340 et seq.<sup>13</sup>

**XIV.**

Application 50290 was filed on October 16, 1986, by Washoe County and the City of Sparks for power (pumped storage of electrical energy) purposes associated with the storage of 12,000 acre-feet of water in an artificial reservoir to be constructed as part of an electrical energy pumped storage project. The proposed source of water is described as the underground water appropriated under Applications 50191 through 50241, inclusive, which were previously filed by Washoe County to appropriate large quantities of underground water from various hydrologic basins located entirely in Northern and Central Washoe County. The proposed point of diversion is described as being located within the NW¼ SW¼ of Section 8, T.29N., R.19E., M.D.B.& M. The proposed place of use is described as Washoe County as described under NRS § 243.340 et seq.<sup>14</sup>

**XV.**

Application 50291 was filed on October 16, 1986, by Washoe County and the City of Sparks for power (pumped storage of electrical energy) purposes associated with the storage of 24,000 acre-feet of water in an artificial reservoir to be constructed as part of an electrical energy pumped storage project. The proposed source of water is described as the underground water appropriated under Applications 50191 through 50241, inclusive, which were previously filed by Washoe County to appropriate large quantities of underground water from various hydrologic basins located

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<sup>13</sup> File No. 50289, official records in the office of the State Engineer.

<sup>14</sup> File No. 50290, official records in the office of the State Engineer.

entirely in Northern and Central Washoe County. The proposed point of diversion is described as being located within the SE¼ SE¼ of Section 6, T.29N., R.19E., M.D.B.& M. The proposed place of use is described as Washoe County as described under NRS § 243.340 et seq.<sup>15</sup>

**XVI.**

Application 50292 was filed on October 16, 1986, by Washoe County and the City of Sparks for power (pumped storage of electrical energy) purposes associated with the storage of 1,400 acre-feet of water in an artificial reservoir to be constructed as part of an electrical energy pumped storage project. The proposed source of water is described as the underground water appropriated under Applications 50191 through 50241, inclusive, which were previously filed by Washoe County to appropriate large quantities of underground water from various hydrologic basins located entirely in Northern and Central Washoe County. The proposed point of diversion is described as being located within the NE¼ NE¼ of Section 18, T.25N., R.19E., M.D.B.& M. The proposed place of use is described as Washoe County as described under NRS § 243.340 et seq.<sup>16</sup>

**XVII.**

Application 50293 was filed on October 16, 1986, by Washoe County and the City of Sparks for power (pumped storage of electrical energy) purposes associated with the storage of 2,000 acre-feet of water in an artificial reservoir to be constructed as part of an electrical energy pumped storage project. The proposed source of water is described as the underground water appropriated under Applications 50191 through 50241, inclusive, which were previously filed by Washoe County to appropriate large quantities

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<sup>15</sup> File No. 50291, official records in the office of the State Engineer.

<sup>16</sup> File No. 50292, official records in the office of the State Engineer.

of underground water from various hydrologic basins located entirely in Northern and Central Washoe County. The proposed point of diversion is described as being located within the NE¼ NE¼ of Section 19, T.25N., R.19E., M.D.B.& M. The proposed place of use is described as Washoe County as described under NRS § 243.340 et seq.<sup>17</sup>

**XVIII.**

Applications 50289, 50290 and 50291 were timely protested by Espil Sheep Company, Inc., on the following grounds:<sup>13,14,15</sup>

The waters in this area are very important to our livestock grazing operation. Water taken from this area would lower the water table, thus possibly drying up the spring water which is needed for livestock and wildlife.

**XIX.**

By letters dated May 18, 1987, and August 3, 1989, Washoe County withdrew Applications 50237, 50238, 50239 and 50240.<sup>18</sup>

**FINDINGS OF FACT**

**I.**

Applications 50191 through 50194, inclusive, 50199 through 50236, inclusive, and 50241 (hereinafter referred to as the appropriation applications), were filed by Washoe County as part of the proposed Washoe County Groundwater Importation Plan (GWIP). The GWIP was designed to import for municipal use in excess of 51,000 acre-feet annually of underground water from a multitude of hydrologic basins which were located entirely within Central and Northern Washoe County.<sup>19</sup> One component of the GWIP involved an electrical energy pumped storage project which would utilize the water resource generated by Washoe County's appropriation

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<sup>17</sup> File No. 50293, official records in the office of the State Engineer.

<sup>18</sup> File Nos. 50237, 50238, 50239 and 50240, official records in the office of the State Engineer.

<sup>19</sup> State Engineer's Ruling No. 4599, dated January 26, 1998, official records in the office of the State Engineer.

applications for power generation. The State Engineer finds that the application of water to beneficial use as described under Applications 50253 through 50257, inclusive, 50259, and 50283 through 50293, inclusive, can not occur without the approval of Washoe County's previously filed appropriation applications.

**II.**

Washoe County's Applications 50237, 50238, 50239, and 50240 were withdrawn by Washoe County, therefore; the State Engineer finds that these applications can no longer contribute to the appropriation of water requested for storage and power generation under Applications 50253 through 50257, inclusive, 50259, and 50283 through 50293, inclusive.

**III.**

By Ruling No. 4599 issued on January 26, 1998, the State Engineer denied Washoe County's Applications 50191 through 50241, inclusive.<sup>19</sup> No appeal of this decision was filed by Washoe County; therefore, the State Engineer's denial is final. The State Engineer finds that the denial of Washoe County's appropriation applications leaves no valid water right under which an appropriation of water can occur ultimately to be impounded for power generating purposes as envisioned under Applications 50253 through 50257, inclusive, 50259 and 50283 through 50293, inclusive; therefore, these applications must also be denied as there is no water to appropriate to use for the purpose stated in these applications.

**CONCLUSIONS**

**I.**

The State Engineer has jurisdiction over the parties and the subject matter of this action and determination.<sup>20</sup>

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<sup>20</sup> NRS Chapters 533 and 534.

II.

The State Engineer is prohibited by law from granting a permit under an application to appropriate the public waters where:<sup>21</sup>

- 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.

III.

Applications 50253 through 50257, inclusive, 50259, and 50283 through 50293, inclusive, were filed by Washoe County to utilize the appropriations of underground water which would occur under an earlier series of applications to appropriate which were filed as part of Washoe County's GWIP. By State Engineer's Ruling No. 4599, the majority of these initial appropriation applications were denied with the remainder voluntarily withdrawn by Washoe County, thus, removing the source of water which was to be impounded for power generating purposes as described under Applications 50253 through 50257, inclusive, 50259, and 50283 through 50293, inclusive. The State Engineer concludes that it would not be in the public interest to approve applications to appropriate water for power purposes from water sources on which water rights do not exist.

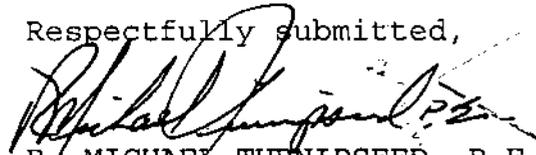
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<sup>21</sup> NRS 533.370(3).

**RULING**

Applications 50253, 50254, 50255, 50256, 50257, 50259, 50283, 50284, 50285, 50286, 50287, 50288, 50289, 50290, 50291, 50292, and 50293 are hereby denied on the grounds that it would not be in the public interest to approve permits to appropriate water from sources on which water rights do not exist. No ruling is made on the merits of the protests.

Respectfully submitted,



R MICHAEL TURNIPSEED, P.E.  
State Engineer

RMT/MDB/cl

Dated this 13th day of  
April, 1998.