

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

IN THE MATTER OF APPLICATIONS 69550)
AND 69551 FILED TO APPROPRIATE THE)
PUBLIC WATERS OF AN UNDERGROUND)
SOURCE WITHIN THE NEWCOMB LAKE)
VALLEY HYDROGRAPHIC BASIN (96),)
WASHOE COUNTY, NEVADA.)

RULING

#5481

GENERAL

I.

Application 69550 was filed on February 6, 2003, by W. Dalton La Rue, Jr. and/or Anastasia J. La Rue d.b.a. Winnemucca Ranch to appropriate 6.0 cubic feet per second (cfs), not to exceed 1,280 acre-feet annually (afa), of underground water for irrigation and domestic purposes. The proposed place of use is described as the SW $\frac{1}{4}$ NW $\frac{1}{4}$ and S $\frac{1}{2}$ of Section 13, and the NE $\frac{1}{4}$ of Section 24, T.25N., R.18E., M.D.B.&M., and the SW $\frac{1}{4}$ of Section 18, all of Section 19, the W $\frac{1}{2}$ of Section 20, and the N $\frac{1}{2}$ of Section 29, T.25N., R.19E., M.D.B.&M. The proposed point of diversion is described as being located within the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 13, T.25N., R.18E., M.D.B.&M.¹

II.

Application 69551 was filed on February 6, 2003, by W. Dalton La Rue, Jr. and/or Anastasia J. La Rue d.b.a. Winnemucca Ranch to appropriate 6.0 cfs, not to exceed 1,280 afa, of underground water for irrigation and domestic purposes. The proposed place of use is described as the SW $\frac{1}{4}$ NW $\frac{1}{4}$ and S $\frac{1}{2}$ of Section 13, and the NE $\frac{1}{4}$ of Section 24, T.25N., R.18E., M.D.B.&M., and the SW $\frac{1}{4}$ of Section 18, all of Section 19, the W $\frac{1}{2}$ of Section 20, and the N $\frac{1}{2}$ Section 29, T.25N., R.19E., M.D.B.&M. The proposed point of diversion is described as being located within the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 29, T.25N., R.19E., M.D.B.&M.²

III.

Applications 69550 and 69551 were timely protested by Washoe County on the grounds that: (1) there is no unappropriated water in the source of supply; (2) the proposed appropriations threaten to prove detrimental to the public interest; and, (3) the proposed applications would conflict with existing rights. Further, the USGS estimates the perennial yield

¹ File No. 69550, official records in the Office of the State Engineer.

² File No. 69551, official records in the Office of the State Engineer.

of this basin to be about 200 acre-feet, and Permit 67037 has been approved for 200 acre-feet annually.^{1,2}

IV.

Applications 69550 and 69551 were timely protested by Intermountain Pipeline LTD on the grounds that: (1) there is no unappropriated underground water available in the Newcomb Lake Hydrographic Basin; (2) granting the applications would be detrimental to existing permitted underground water rights; and (3) granting the applications would be severely detrimental to maintaining sustainable groundwater resources development in the basin.^{1,2}

FINDINGS OF FACT

I.

The perennial yield of a groundwater reservoir may be defined as the maximum amount of groundwater that can be salvaged each year over the long term without depleting the groundwater reservoir. Perennial yield is ultimately limited to the maximum amount of natural discharge that can be salvaged for beneficial use.

Withdrawals of ground water in excess of the perennial yield may contribute to adverse conditions such as water quality degradation, storage depletion, diminishing yield of wells, increase in cost due to increased pumping lifts, land subsidence, and possible reversal of groundwater gradients, which could result in significant changes in the recharge-discharge relationship.³

The estimated perennial yield of the Newcomb Lake Valley Hydrographic Basin is 200 acre-feet, which assumes salvage of all discharge.⁴ A review of records in the Office of the State Engineer show the committed groundwater resources, for the Newcomb Lake Valley Hydrographic Basin, to be 200 acre-feet annually.⁵ The State Engineer finds that permits have been issued under existing rights for the estimated perennial yield from the groundwater system within the Newcomb Lake Valley Hydrographic Basin.

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

⁴ F. Eugene Rush and Patrick A. Glancy, *Water Resources-Reconnaissance Series, Report 43*, Water-Resources Appraisal of the Warm Springs-Lemmon Valley Area, Washoe County, Nevada. Department of Conservation and Natural Resources in Cooperation with the U.S. Geological Survey, p. 49, (1967).

⁵ Nevada Division of Water Resources Water Rights Database, Hydrographic Basin Summary for Newcomb Lake Valley, November 12, 2004.

CONCLUSIONS

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 an application to appropriate the public waters where:⁷

- A. there is no unappropriated water at the proposed source;
- B. the proposed use or change conflicts with existing rights;
- C. the proposed use or change conflicts with protectible interests in existing domestic wells as set forth in NRS § 533.024; or
- D. the proposed use or change threatens to prove detrimental to the public interest.

III.

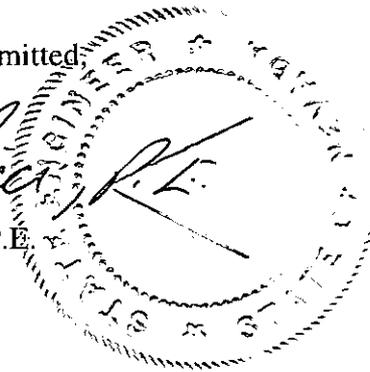
The State Engineer concludes that the committed groundwater resources of the Newcomb Lake Valley Hydrographic Basin currently equals the groundwater basin's estimated perennial yield and that the approval of the subject applications would result in the withdrawal of substantial amounts of ground water for irrigation purposes in excess of the perennial yield of the Newcomb Lake Valley Hydrographic Basin; therefore, approval of the subject applications would adversely affect existing rights and be detrimental to the public interest.

RULING

The protests to Applications 69550 and 69551 are upheld and Applications 69550 and 69551 are hereby denied on the grounds that approval of the applications would conflict with existing rights and threaten to prove detrimental to the public interest.

Respectfully submitted,


HUGH RICCI, P.E.
State Engineer



HR/MJW/jm

Dated this 15th day of
March, 2005.

⁶ NRS chapters 533 and 534.

⁷ NRS § 533.370(4).