

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

IN THE MATTER OF APPLICATION 83285)
FILED TO APPROPRIATE THE PUBLIC)
WATERS OF AN UNDERGROUND)
SOURCE WITHIN THE CARSON VALLEY)
HYDROGRAPHIC BASIN (105), DOUGLAS)
COUNTY, NEVADA.)

RULING
#6276

GENERAL

I.

Application 83285 was filed on November 25, 2013, by Christopher David and Robbin White Pedrett to appropriate 0.05 cubic feet per second (cfs), not to exceed 2.0 acre-feet annually (afa), of water for commercial and domestic purposes. The proposed point of diversion is described as being located within the SW¼ NW¼ of Section 35, T.14N., R.20E., M.D.B.&M. The proposed place of use is described as being located within the SW¼ NW¼ of Section 35, T.14N., R.20E., M.D.B.&M. The place of use is further described as APN 1420-35-201-007, Douglas County, Nevada.¹

FINDINGS OF FACT

I.

The Carson Valley Hydrographic Basin (105) was designated by State Engineer's Order No. 684 on June 14, 1977.² Within a designated basin, the State Engineer is empowered to make such rules, regulations and orders as are deemed essential for the welfare of the area involved.³ By State Engineer's Order No. 904, the State Engineer further designated a portion of the Carson Valley Hydrographic Basin, also known as the Johnson Lane sub-area, to include placing additional restrictions on groundwater withdrawals. Specifically, the State Engineer ordered that applications seeking to appropriate water or to change the point of diversion of an existing water right from outside the area to a new point of diversion within the Johnson Lane area would be denied; however, the State Engineer ordered that minimal preferred uses would be considered

¹ File No. 83285, official records in the Office of the State Engineer.

² State Engineer's Order No. 684, official records in the Office of the State Engineer.

³ NRS § 534.120.

where public benefit and interest could be demonstrated.⁴ The State Engineer finds that Application 83285 seeks a new appropriation of water within an area subject to State Engineer Order Nos. 684 and 904.

II.

The Douglas County Assessor's Office website indicates that the place of use identified as APN 1420-35-201-007 is currently zoned as a single family residence.⁵ The State Engineer finds that Application 83285 requests a new appropriation for commercial and domestic use; however, the subject parcel identified as the place of use is not zoned for commercial operations.

III.

The place of use under Application 83285 is located at 2703 East Valley Road in Douglas County. Under the remarks section of the Application (Item 15), the Applicant states that the existing domestic well water level has dropped and the well needs to be deepened. Pursuant to NRS § 534.120, in a designated area, the State Engineer may limit the depth of domestic wells; or, may deny applications for any use, including domestic use, when there is an ability to obtain water from an entity such as a water district or a municipality engaged in furnishing water to the inhabitants of a designated area. The State Engineer finds that the place of use is within the Douglas County Utility water service area and can be served by either a water main on Downs Court or a water main on East Valley Road.⁶

CONCLUSIONS

I.

The State Engineer has jurisdiction over the parties and the subject matter of this action and determination.⁷

⁴ State Engineer's Order No. 904, official records in the Office of the State Engineer.

⁵ Douglas County Assessor Office Website, Parcel Detail for Parcel No. (APN) 1420-35-201-007 (last accessed May 2, 2014); *and see also*, Code Table identifying Code 200 as single family residence.

⁶ Correspondence from Douglas County Public Works dated March 11, 2014, and November 6, 2013, File No. 83285, official records in the Office of the State Engineer.

⁷ 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.⁸

- 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 protectable 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.

Application 83285 seeks to appropriate water from an area designated by the State Engineer under Order No. 904, which disallows new appropriations of water in that area. The Application is for commercial and domestic use; however, the place of use is not zoned for commercial activities in addition to being located within a water purveyor's service area. The State Engineer concludes that in light of the foregoing findings and conclusions, the Applicant has not demonstrated the Application merits an exception to Order No. 904, by showing that it is for a preferred use where public benefit and interest has been demonstrated. The State Engineer concludes that approval of the Application would threaten to prove detrimental to the public interest.

RULING

Application 83285 is hereby denied on the grounds that its approval threatens to prove detrimental to the public interest.

Respectfully submitted,

 P.E.
JASON KING, P.E.
State Engineer

Dated this 21st day of
May, 2014.

⁸ NRS § 533.370(2).