

IN THE MATTER OF APPLICATION 36166 )  
TO APPROPRIATE WATER FROM AN )  
UNDERGROUND SOURCE IN WASHOE VALLEY, )  
WASHOE COUNTY, NEVADA )

R U L I N G

B<sup>9</sup>

INTRODUCTION

Application 36166 was filed to appropriate water from an underground source in Washoe Valley.

In 1967, Water Resources-Reconnaissance Series Report 41, "Water Resources Appraisal of Washoe Valley, Nevada," by F. Eugene Rush, was prepared cooperatively by the Department of Conservation and Natural Resources, Division of Water Resources and the U. S. Department of Interior, Geological Survey.

In 1973, Water Resources-Reconnaissance Series Report 57, "A Brief Water-Resources Appraisal of the Truckee River Basin, Western Nevada, by A. S. VanDenburgh, R. D. Lamke and J. L. Hughes was prepared cooperatively by the Department of Conservation and Natural Resources, Division of Water Resources and the U. S. Department of Interior, Geological Survey.

FINDINGS OF FACT

I

Application 36166 was filed on November 14, 1978 by Henrich H. Bruenig, Irmgard V. Bruenig and Aloyse L. Apel to appropriate 1.0 c.f.s., of underground water to be diverted within the NE $\frac{1}{4}$  NW $\frac{1}{4}$  Section 30, T.17N., R.20E., M.D.B. & M., and to be used for quasi-municipal and domestic purposes within the NE $\frac{1}{4}$  NW $\frac{1}{4}$  of said Section 30. 1/

II

Application 36166 was filed to appropriate water from an underground source in the Washoe Valley Ground Water Basin, Washoe County and Carson City, Nevada.

By an order dated March 1, 1978, the State Engineer designated and described the Washoe Valley Ground Water Basin as a ground water basin coming under the provisions of NRS 534. 2/

III

It is estimated that the potential annual recharge to the Washoe Valley Ground Water Basin is 15,000 acre-feet. Nearly 90 percent of the estimated potential recharge is from the Carson Range on the West side of Washoe Valley. The Virginia Range, on the East side of Washoe Valley, provides 1,000 acre-feet of this estimated potential recharge, and precipitation on the valley floor (excluding lake surface) provides

an additional 1,100 acre-feet. 3/ About 1/3 of the valley floor is on the East side 4/ of Washoe Valley. Thus, the estimated potential annual recharge on the East side of Washoe Valley is nearly 1,400 (1,000 plus 1/3 of 1,100) acre-feet. Any consumptive withdrawal in excess of this natural recharge will either deplete the ground water reservoir or cause additional surface water to percolate into the ground water reservoir. Consumptive withdrawals in excess of natural recharge will adversely affect the resource and existing rights.

IV

Existing certificated and permitted ground water rights in the East side of Washoe Valley Ground Water Basin exceed estimates of potential annual recharge to the East side of Washoe Valley Ground Water Reservoir. 5/ The potential exists for additional pumpage under existing ground water rights which have not yet been developed.

V

There have been more than 500 individual domestic wells drilled in the East side of Washoe Valley, with a potential, legal withdrawal per well of 2 acre-feet annually. 6/ Thus, existing, individual domestic wells taken separately from existing certificated and permitted ground water rights could legally divert 1,000 acre-feet annually of the nearly 1,400 acre-feet of potential annual recharge in the East side of Washoe Valley. In the area of the proposed place of use of water under Application 36166, in the East side of Washoe Valley, the Regional Planning Commission of Reno, Sparks and Washoe County reports over 1,100 lots approved in subdivisions with approximately one-half of the lots developed.

If the remaining one-half of the approved lots were developed with individual domestic wells, the withdrawal from domestic wells could exceed the potential annual recharge of nearly 1,400 acre-feet.

VI

Application 36166 proposes to serve water to 34 homes on lots adjacent to an existing concentration of individual domestic wells.

Pumpage and consumptive use applied for would have an adverse effect on the existing concentration of domestic wells in this area of limited natural recharge by causing declines in the water table or additional infiltration of surface water and a deterioration of water quality by septic tank discharges.

VII

Hearings in the matter of forfeiture and pending applications to divert water from the Washoe Valley Ground Water Basin were held by the State Engineer:

- A. On May 11, 1978
- B. On June 20, 1978. 7/

There was no substantial evidence presented at these hearings that would indicate that there was sufficient ground water available to satisfy the proposed diversions under Applications 34733 and 34734 without creating an adverse effect upon prior existing rights and/or an adverse effect upon the existing concentration of domestic wells on the East side of Washoe Valley. Applications 34733 and 34734 to appropriate underground water for a 400 lot development were denied on November 7, 1978.

### CONCLUSIONS

#### I

The State Engineer has jurisdiction of the parties and the subject matter of this action. 8/

#### II

The State Engineer is prohibited by law from granting a permit where:

- 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 welfare. 9/

#### III

Existing ground water rights on the East side of the Washoe Valley Ground Water Basin exceed estimates of potential annual recharge to the East side of the Washoe Valley Ground Water Reservoir. The potential exists for additional pumpage under existing ground water rights that have not been developed. To grant additional rights as applied for under Application 36166, from the limited ground water resource on the East side of Washoe Valley, would adversely affect existing rights and threaten to prove detrimental to the public interest. Previous applications to serve subdivisions in this area have been denied.

#### IV

In the area of the proposed place of use under Application 36166 there are over 1,100 lots with approximately one-half of the lots developed. To grant additional rights under Application 36166 would have an adverse effect on the existing domestic wells in this area of limited recharge to the ground water reservoir. This would tend to impair the value of existing rights and be detrimental to the public welfare because of the additional consumption and quality degradation.

RULING

Application 36166 is denied on the grounds that the appropriation of additional ground water on the East side of Washoe Valley for the proposed use would impair the value of existing rights and be detrimental to the public welfare.

Respectfully submitted,

*William J. Newman*

William J. Newman  
State Engineer

WJN/bc

Dated this 21st day of  
JULY, 1980.

## FOOTNOTES

1. Public records in the office of the State Engineer.
2. Public records in the office of the State Engineer.
3. Water Resources-Reconnaissance Series Report 41, pages 13 and 14; Report 57, page 41.
4. Water Resources-Reconnaissance Series Report 41; estimated from map, "Figure 7.-Generalized Land Status of the Valley Floor, April 1966."
5. Public records in the office of the State Engineer.
6. NRS 534.180. About 2 acre-feet annually is the withdrawal resulting from a daily pumpage of 1,800 gallons.
7. Public records in the office of the State Engineer. Transcripts of hearings of May 11, 1978 and June 20, 1978.
8. NRS 533.025 and NRS 533.030, Subsection 1.
9. NRS 533.370, Subsections 1 and 4.