

IN THE MATTER OF APPLICATION 36541)
FILED TO APPROPRIATE THE WATER OF AN)
UNDERGROUND SOURCE FROM THE SPANISH)
SPRINGS VALLEY GROUND WATER BASIN,)
WASHOE COUNTY, NEVADA.)

R U L I N G

INTRODUCTION

Application 36541 was filed in the Office of the State Engineer on January 25, 1979, to appropriate water from an underground source for irrigation and domestic purposes in Spanish Springs Valley, Washoe County, Nevada.

Water Resources Reconnaissance Series Report 43, "Water Resources Appraisal of the Warm Springs - Lemmon Valley Area, Washoe County, Nevada", 1967, by F. Eugene Rush and Patrick A. Glancy; and Water Resources Reconnaissance Series Report 57, "A Brief Water Resources Appraisal of the Truckee River Basin, Western Nevada", 1973, by A. S. Vandenberg, R. D. Lamke and J. L. Hughes, were prepared cooperatively by the Nevada Department of Conservation and Natural Resources, Division of Water Resources, and the U. S. Department of the Interior, Geological Survey. These reports are available in the Office of the State Engineer.

FINDINGS OF FACT

I

Application 36541 was filed on January 25, 1979, by Ralph M. Tucker for permission to appropriate 3.0 c.f.s. of water from an underground source for irrigation and domestic purposes. The water is proposed to be diverted from its source at a point within the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 6, T. 20 N., R. 21 E., M.D.B.&M. The place of use is described as Lots 2, 3, 4, 5 and 6, of Section 6, T. 20 N., R. 21 E., M.D.B.&M. 1/

II

Separate protests to the granting of this application were filed by L. David Kiley, Trustee, and Richard T. Donovan on June 5, 1979, and June 1, 1979, respectively. The basis of the protests is that Spanish Springs Valley is overappropriated and additional appropriation will impair the value of existing water rights. 2/

III

The estimated annual recharge to the Spanish Springs Valley is approximately 600 acre-feet per year. 3/

IV

Existing water rights of record from an underground source in the Spanish Springs Valley Ground Water Basin total 6416 acre-feet annually, of which 2358 acre-feet are certificated and 4058 acre-feet are permitted rights. 4/

V

The proposed point of diversion under Application 36541 is within the area of the Spanish Springs Valley Ground Water Basin as designated by the State Engineer under the provisions of NRS 534. 5/

VI

Previous applications for water rights within the Spanish Springs Ground Water Basin have been denied by the State Engineer. The following applications have been denied: 27428, 27429, 27430, 27431, 27432, 27433, 27434, 27484, 28154, 28155, 28156, 28157, 28158, 28159, 28500, 30985, 31322, 31220, 31221, 31853, 32443, 32555, 33391, 34982 and 35213. 6/

CONCLUSIONS

I

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

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. 8/

III

If Application 36541 is granted, additional withdrawal and consumption of would from the underground reservoir would take place. This additional withdrawal and consumption for irrigation would remove water from the underground reservoir which would not be replaced, resulting in depletion of the ground water reservoir, or would be replaced by infiltrating surface water that would otherwise serve existing rights. This would, therefore, conflict with existing rights and threaten to prove detrimental to the public welfare.

RULING

Application 36541 is herewith denied on the grounds that the appropriation of the water applied for would tend to impair the value of existing rights and be detrimental to the public interest and welfare within the Spanish Springs Ground Water Basin.

Respectfully Submitted,



PETER G. MORROS
State Engineer

PGM/GB/br

Dated this 6th day of
July, 1983.

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 43, page 23.
4. Public records in the Office of the State Engineer.
5. State Engineer's Order 533, dated March 10, 1975.
6. Public records in the Office of the State Engineer.
7. NRS 534.110, subsections 3 and 6, and NRS 534.020.
8. NRS 533.370, subsection 3.