

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

IN THE MATTER OF APPLICATION 62589)
FILED TO APPROPRIATE THE)
UNDERGROUND WATERS OF THE COLD)
SPRINGS VALLEY GROUNDWATER BASIN,)
(100), WASHOE COUNTY, NEVADA.)

RULING

#4567

GENERAL

I.

Application 62589 was filed on November 15, 1996, by Hamilton Properties, Inc. to appropriate 2.0 cubic feet per second, not to exceed 1,140 acre feet annually, of underground water from the Cold Springs Valley Groundwater Basin, Washoe County, Nevada. The proposed manner and place of use is for quasi-municipal and domestic purposes within Sections 3, 4, 8, 9, 10, 15, 16 and 17, T.21N., R.18E., M.D.B.&M. The proposed point of diversion is described as being located within the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 4.¹

FINDINGS OF FACT

I.

The State Engineer designated and described the Cold Springs Valley Groundwater Basin under the provisions of NRS § 534.030 as a basin in need of additional administration.² The State Engineer finds the proposed point of diversion under the subject application is within the designated area.

II.

The remarks section of Application 62589 indicates that the total combined duty under this application if granted and Permits 62414 and 62416 was not to exceed 1,140 acre feet annually. The

¹ File No. 62589, official records in the office of the State Engineer.

² State Engineer's Order Number 606, dated January 18, 1977, official records in the office of the State Engineer.

State Engineer finds Permits 62414 and 62416 were cancelled by the State Engineer's office on November 15, 1996.³

III.

The perennial yield of a hydrologic basin is the maximum amount of water of usable chemical quality that can be consumed economically each year for an indefinite period of time. The perennial yield cannot exceed the natural replenishment to an area indefinitely, and ultimately is limited to the maximum amount of natural recharge that can be salvaged for beneficial use. If the perennial yield is continually exceeded groundwater levels will decline until the groundwater reservoir is depleted. Withdrawals of groundwater in excess of the perennial yield contribute to adverse conditions such as water quality degradation, storage depletion, diminishing yield of wells, increased economic pumping lifts, land subsidence and possible reversal of groundwater gradients which could result in significant changes in the recharge-discharge relationship.⁴

The United States Geological Survey estimates that the perennial yield of the Cold Springs Valley Groundwater Basin is 500 acre-feet annually.⁵ The committed groundwater resource in the form of permits and certificates issued by the State Engineer's office for groundwater withdrawals from the Cold Springs Valley

³ File Nos. 62414 and 62416, official records in the office of the State Engineer.

⁴ State Engineer's office, Water for Nevada, State of Nevada Water Planning Report No. 3, p. 13, October 1971.

⁵ Rush, F. Eugene and Glancy, Patrick A., Water-Resources Appraisal of the Warm Springs - Lemmon Valley Area, Washoe County, Nevada., Water Resources - Reconnaissance Series Report 43, Geological Survey, U.S. Department of Interior, State of Nevada, Department of Conservation and Natural Resources, p. 49.

Groundwater Basin exceeds 1,000 acre-feet annually.⁶ The State Engineer finds that the current committed groundwater resource of the Cold Springs Valley Groundwater Basin exceeds the estimated perennial yield of the groundwater basin.

IV.

The State Engineer finds that the approval of Application 62589 would conflict with the many existing water rights in the groundwater basin.

CONCLUSIONS OF LAW

I.

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

II.

The State Engineer is prohibited by law from granting a permit where:⁸

- A. there is no unappropriated water at the proposed source;
- B. the proposed use conflicts with existing rights; or
- C. the proposed use threatens to prove detrimental to the public interest.

III.

The State Engineer concludes that to grant a permit under Application 62589 in a groundwater basin where the quantity of water under existing appropriations exceeds the perennial yield would conflict with existing rights and be detrimental to the public interest.

⁶ Special Hydrologic Basin Abstract, Water Rights Database July 20, 1997, official records in the office of the State Engineer.

⁷ NRS Chapters 533 and 534.

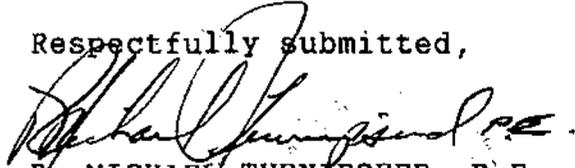
⁸ NRS § 533.370.

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Application 62589 is hereby denied on the grounds that granting the application would interfere with existing rights and be detrimental to the public interest.

Respectfully submitted,


R. MICHAEL TURNIPSEED, P.E.
State Engineer

RMT/MDB/ab

Dated this 26th day of
September, 1997.