

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

IN THE MATTER OF APPLICATION 47783)
FILED TO APPROPRIATE THE PUBLIC)
WATERS OF AN UNDERGROUND SOURCE)
WITHIN THE COLD SPRINGS VALLEY)
GROUNDWATER BASIN (100),)
WASHOE COUNTY, NEVADA.)

RULING

4568

GENERAL

GENERAL

I.

I.

Application 47783 was filed on March 13, 1984, by Jack L. Bacon to appropriate 0.1 cubic foot per second (cfs) of underground water from the Cold Springs Valley Groundwater Basin, Washoe County, Nevada. The proposed manner and place of use is for commercial and domestic purposes within a portion of the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 19 and a portion of the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 20, both in T.21N., R.18E., M.D.B.&M. The proposed point of diversion is described as being located within the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 19.¹

II.

By Order No. 606 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 proposed point of diversion under the subject application is within the designated area.

III.

The remarks section of Application 47783 indicates that the total duty under this application if granted would be 26 acre feet annually to provide water to a service station, a small store, a cafe and bar, and an overnight RV campground of 20 units and a 25 unit motel.

¹ File No. 47783, 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.

IV.

Application 47783 was timely protested by the Reno Park Water Co., Inc. on the following grounds:¹

- (1) There is no justified necessity nor purpose to sustain said application;
- (2) Grant of such an application would prejudice the water rights of the RENO PARK WATER COMPANY, INC., an exclusive public utility at the Cold Springs Valley;
- (3) Instead of granting JACK L. BACON any permission to appropriate additional public waters, Mr. Jack L. Bacon may well be asked to connect to the existing water transmission mains of the RENO PARK WATER COMPANY, INC. at the Reno Park Boulevard, and transfer whatever water rights he presently has or enjoys to the RENO PARK WATER COMPANY, INC.; and,
- (4) Approval of the subject application #47783 of Mr. Jack L. Bacon will set a dangerous and damaging precedent.

V.

Application 47783 was timely protested by Joe E. Gardner on the following grounds:¹

1. The applicants [sic] well is too close to Bordertowns [sic] two wells (884 feet and 737 feet) which have prior rights.
2. Ground water basin is overappropriated.
3. The State Engineer has set a precedence for denying applications in Cold Springs Valley.

FINDINGS OF FACT

I.

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.³

The United States Geological Survey estimates that the perennial yield of the Cold Springs Valley Groundwater Basin is 500 acre-feet annually.⁴ The committed groundwater resource in the form of permits and certificates issued by the State Engineer's office for groundwater withdrawal within the Cold Springs Valley Groundwater Basin exceeds 1,000 acre-feet annually.⁵ 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.

II.

The State Engineer finds that the approval of Application 47783 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 the subject matter of this action and determination.⁶

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

⁴ 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.

⁵ Special Hydrologic Basin Abstract, Water Rights Database July 20, 1997, official records in the office of the State Engineer.

⁶ NRS Chapters 533 and 534.

II.

The State Engineer is prohibited by law from granting a permit where:¹

- 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.

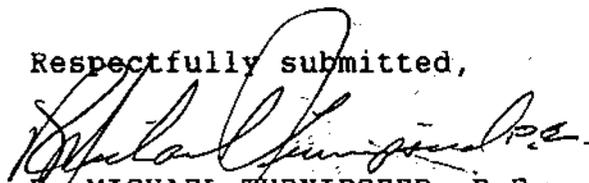
III.

The State Engineer concludes that to grant a permit under Application 47783 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.

RULING

Application 47783 is hereby denied on the grounds that granting the application would interfere with existing rights and be detrimental to the public interest. No ruling is made on the remaining merits of the protests.

Respectfully submitted,


R. MICHAEL TURNIPSEED, P.E.
State Engineer

RMT/MDB/ab

Dated this 1st day of
October, 1997.

¹ NRS § 533.370.