

IN THE MATTER OF APPLICATION )  
26395 FILED BY WASHOE COUNTY )  
TO APPROPRIATE WATER FROM AN )  
UNDERGROUND SOURCE IN LEMMON )  
VALLEY, WASHOE COUNTY, NEVADA.)

R U L I N G

92B

GENERAL:

Application 26395 was filed on November 5, 1971 by Washoe County to appropriate 0.16 c.f.s. of water from an underground source for quasi-municipal and domestic purposes. Water is proposed to be diverted from its source at a point within the NE $\frac{1}{4}$  NW $\frac{1}{4}$  Section 16, T.20N., R.19E., MDM. The place of use is described as within the E $\frac{1}{2}$  SW $\frac{1}{4}$  Section 9 and the NE $\frac{1}{4}$  NW $\frac{1}{4}$  Section 16, all in T.20N., R.19E., MDM. The period of use to be from January 1 to December 31 of each year. Application 26395 has been assigned to the Black Springs General Improvement District by deed filed on December 4, 1974 in the office of the State Engineer.

By Order No. 391 dated July 14, 1971, the State Engineer designated the Lemmon Valley Ground Water Basin under the provisions of Chapter 534 NRS (Conservation and Distribution of Underground Waters).

The same well which is the subject of Application 26395 also has an existing prior right under Permit 26396 which changed the point of diversion and place of use of Permit 20853, Certificate 7424. Permit 26396 stands in the name of the Black Springs General Improvement District and is issued for 0.1172 c.f.s. (52.6 gpm) but not to exceed 23.65 million gallons annually.

Information available to this office indicates the well is capable of producing only 50 gpm and this is less than the quantity granted under the existing Permit 26396 on the same well.

By letter dated December 22, 1975 to the State Engineer, Walters Engineering acting as agents for the applicant, states that if a permit is granted to Application 26395, the point of diversion will be changed to reflect the location of Well No. 4.

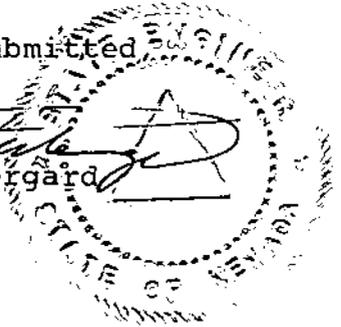
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**RULING:**

Application 26395 is herewith denied on the grounds that the well is not capable of producing a quantity of water in addition to that already permitted. To allow the permit only for subsequent transfer to another location to make an additional demand from the Lemmon Valley Ground Water Basin would tend to impair the value of and adversely affect existing rights. Further, the proposed appropriation from the point described does not meet the criteria of intent for beneficial use under Application 26395.

Respectfully submitted,

  
Roland D. Westergard  
State Engineer



RDW/WJN/bs

Dated this 7th day  
of April, 1976.