

IN THE MATTER OF APPLICATION 31340)
TO APPROPRIATE WATER FROM AN)
UNDERGROUND SOURCE IN LEMMON)
VALLEY, WASHOE COUNTY, NEVADA.)

R U L I N G

128

INTRODUCTION

Application 31340 was filed in the office of the State Engineer on April 15, 1977, to appropriate water from an underground source in Lemmon Valley, Nevada.

In 1973, Water Resources Bulletin No. 42, "Evaluation of the Water Resources of Lemmon Valley, Washoe County, Nevada, with Emphasis on Effects of Ground Water Development to 1971" by James R. Harrill was prepared cooperatively by the Nevada Department of Conservation and Natural Resources, Division of Water Resources, the United States Department of the Interior, Geological Survey, Washoe County and the City of Reno. This report is available from the office of the State Engineer.

A hearing in the matter of Application 31340 was held before the State Engineer in Reno on July 29, 1977. A transcript of the hearing is on file in the State Engineer's office.

FINDINGS OF FACT

I

Application 31340 was filed on April 15, 1977 by Horizon Hills General Improvement District to appropriate 1.0 c.f.s. of underground water for quasi-municipal purposes. The point of diversion is within the NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 17, T.20N., R.19E., M.D.B.& M. The place of use is within the NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 17. 1/ 165 lots and a school site are to be served with an annual diversion of 250 acre-feet. 2/

II

Application 31340 was filed to appropriate water from an underground source from within the East Lemmon Subarea of the Lemmon Valley Basin, Washoe County, Nevada, as designated and described by Order 391 of the State Engineer issued July 14, 1971. 3/

III

It is estimated that the perennial yield of the Lemmon Valley ground water reservoir is 1300 ac-ft/yr with 400 ac-ft/yr being available from the East Lemmon Valley Subarea and 900 ac-ft/yr being available from the Silver Lake Subarea. Allowing for additional recharge from imported water, an augmented yield estimate is 1600 ac-ft/yr with 600 ac-ft/yr from the East Lemmon Valley Subarea and 1,000 ac-ft/yr from the Silver Lake Subarea. 4/

IV

Beneficial use has been shown for a total of 2500 ac-ft/yr of underground water rights in Lemmon Valley with 1430 ac-ft/yr in East Lemmon Subarea and 1070 ac-ft/yr in Silver Lake Subarea.

A block of 4540 ac-ft/yr of permitted water rights is subject to cancellation for failure to show beneficial use but appeals have been filed in District Court asking review of the State Engineer's actions. 1440 ac-ft/yr of the contested water rights are in East Lemmon Subarea and 3100 ac-ft/yr are in the Silver Lake Subarea. 5/

V

An estimated 2030 ac-ft of ground water was pumped in Lemmon Valley in 1976 with 1550 ac-ft pumped from the East Lemmon Subarea and 480 ac-ft pumped from the Silver Lake Subarea. 6/ In 1971 an estimated 920 ac-ft of ground water was pumped from Lemmon Valley. 7/

Approximately 1530 ac-ft was pumped by water right holders and 500 ac-ft was pumped by domestic wells which are not required to obtain permits to appropriate water. 8/

VI

Approximately 4800 lots have been formed by subdivision and parceling in Lemmon Valley. Residences have been established on approximately 2400 of these lots leaving 2400 lots. 9/

VII

Static water levels have been measured since 1971 in a monitor well net of over 30 wells in Lemmon Valley. Declining static water levels have occurred in Golden Valley; on the eastern side of the playa in East Lemmon Valley; and west of Black Springs. Rising static water levels have been shown to the south and west of the playa in East Lemmon Valley in areas recharged by effluent from sewage treatment plants and septic systems and lawn watering.10/

VIII

Recognizing the critical nature of the ground water resource development, the State Engineer has initiated and pursued a policy of strict regulation of water rights in the designated Lemmon Valley Basin.

Extensions of time for proving beneficial use have not been granted since 1971.

Since 1969, 34 applications to appropriate ground water have been denied.11/

Meters have been required on wells with water rights.

A notice, Order 388, was issued on May 18, 1971 declaring a moratorium on the issuance of permits to appropriate underground water in Lemmon Valley. Permits to appropriate additional underground water have not been issued since 1972 except Permit 29078 which proved beneficial use for 0.26 ac-ft/yr.

CONCLUSIONS

1. The State Engineer has jurisdiction of the parties and the subject matter of this action.12/
2. 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.13/

3. Existing water rights for ground water in Lemmon Valley exceed the estimated perennial yield and the estimated augmented perennial yield for the Lemmon Valley ground water reservoir. Beneficial use has been shown for water rights in excess of the estimated perennial yield in both the East Lemmon and Silver Lake subareas of Lemmon Valley.

In 1976 pumpage from the ground water reservoir in Lemmon Valley exceeded the estimated augmented yield.

To grant additional water rights under the subject applications would adversely affect existing rights and threaten to prove detrimental to the public welfare.

4. The potential exists for additional development and pumpage from the Lemmon Valley ground water reservoir. Rapid urbanization of the area indicates pumpage will continue to increase.

Approximately 40% of existing water rights were not used in 1976.

Only one-half of the subdivided lots have existing residences and a domestic well may be drilled on a substantial portion of the undeveloped lots.

There are 4540 ac-ft/yr of water rights now involved in litigation.

To grant additional water rights from the Lemmon Valley ground water reservoir under the subject applications, would overcommit this limited natural resource, conflict with existing rights, and threaten to prove detrimental to the public welfare.

5. Water levels in monitor wells have shown declines in parts of Lemmon Valley, particularly in the area west of Black Springs near the point of diversion under Application 31340.

To appropriate more ground water for development would tend to accelerate water level declines and thereby conflict with existing rights and threaten to prove detrimental to the public welfare.

RULING

Application 31340 is denied on the grounds that the granting of a water right for additional subdivision development from the designated Lemmon Valley ground water basin would conflict with existing rights and threaten to prove detrimental to the public welfare in this area where appropriations and pumpage exceed estimates of perennial yield.

Respectfully submitted,


Roland D. Westergard
State Engineer

RDW/JC/dc

Dated this 30th day
of August 1977.

FOOTNOTES

1. Public records located within the office of the State Engineer.
2. Reporter's transcript of July 29, 1977 hearing before the State Engineer, p. 115.
3. NRS 534.030
4. Water Resources Bulletin No. 42, p. 2, 77, 78.
5. Public records located within the office of the State Engineer.
6. Estimates made by the office of the State Engineer.
7. Water Resources Bulletin No. 42, p. 64.
8. Estimates made by the office of the State Engineer.
9. Estimates made in the office of the State Engineer partly from data received from the Regional Planning Commission, Reno, Sparks and Washoe County and the Office of the Washoe County Engineer and including the Lemmon Valley Comprehensive Plan, Phase I - Inventory and Analysis by the Regional Planning Commission, Reno, Sparks, and Washoe County.
10. Hydrographs of the monitor well measurements are public records located within the office of the State Engineer.
11. Public records located within the office of the State Engineer. Denied applications are 22201, 22202, 22203, 26173, 26190, 26194, 26211, 26405, 26406, 27422, 28589, 28590, 29502, 29503, 30088, 30089, 30090, 30091, 30092, 30093, 30094, 30356, 30357, 30535, 30536, 30777, 30778, 30807, 30808, 30809, 30810, 30608, 31006 and 31007.
12. NRS 533.025 and 533.030, subsection 1.
13. NRS 533.370, subsection 4.