

IN THE MATTER OF APPLICATIONS 45142 )  
AND 45143 TO APPROPRIATE GROUNDWATER )  
IN WARM SPRINGS VALLEY, WASHOE COUNTY, )  
NEVADA. )

R U L I N G

GENERAL

Water Resources Bulletin No. 42, entitled, "Evaluation of the Water Resources of Lemmon Valley, Washoe County, Nevada, With Emphasis on Effects of Ground Water Development to 1971," by James R. Harritt, was prepared cooperatively by the United States Geological Survey and the Nevada State Department of Conservation and Natural Resources in 1973.

Additional reports prepared by the above-mentioned agencies include:

U.S.G.S. Open File Report 80-1123, entitled, "Geophysical Reconnaissance of Lemmon Valley, Washoe County, Nevada," by Donald H. Schaefer and Douglas K. Maurer (1981).

Water Resources - Reconnaissance Series Report 43, "Water-Resources Appraisal of the Warm Springs-Lemmon Valley Area, Washoe County, Nevada," by F. Eugene Rush and Patrick A. Glancy (1967).

These reports are available for review in the Office of the State Engineer:

FINDINGS OF FACT

Applications 45142 and 45143 were filed December 17, 1981, by the Reno-Sparks Indian Colony Tribal Council to each appropriate 1.0 c.f.s. of ground water for quasi-municipal purposes. The proposed points of diversion are within the SE $\frac{1}{4}$  NE $\frac{1}{4}$  Section 18, T. 21 N., R. 20 E., and the proposed place of use is within the S $\frac{1}{2}$  Section 13, T. 21 N., R. 19 E.

Protests to the granting of the subject applications were timely filed by Forrest L. Fox (45142, 45143) and Robert T. Williamson and James Machabee (45143).

These protests prayed that the applications be denied on the following grounds:

1. Historic decline of water levels in the vicinity.
2. The close proximity of the proposed points of diversion to the Lemmon Valley Hydrographic Basin.

3. Limited and incomplete knowledge of the interrelationships between the Lemmon and Warm Springs Hydrographic Basins.

II

By an Order dated July 14, 1971, the State Engineer designated and described the Lemmon Valley Ground Water Basin under the provisions of NRS 534.

By an Order dated January 18, 1977, the State Engineer designated and described the Warm Springs Valley Ground Water Basin under the provisions of NRS 534. 1/

III

A hearing was held before the State Engineer, after proper notice, on October 8, 1982, in Reno, Nevada in the matter of Applications 45142 and 45143. 2/ This hearing was continued to, and subsequently reconvened on June 8, 1983. 3/

Testimony by protestant Fox, in the form of a prepared statement entered into evidence by protestant Machabee, alleges that with 1.) the history of declining static water levels in the eastern portion of Lemmon Valley, and 2.) a limited and incomplete knowledge of any interaction between the two basins, applicant could not assert that the pumpage of ground water in Hungry Valley would not adversely affect water levels or water quality in the eastern portion of Lemmon Valley. 4/

Testimony in behalf of the applicant, Reno-Sparks Indian Colony Tribal Council, stated the intent of the applicant was to proceed with the housing development in two phases, of 82 homes each, for a total of 164 single family dwellings. The subject applications were effectively amended to reflect 164 units as the ultimate build out of the project. 5/

Expert testimony on behalf of the applicant asserted that the two ground water basins are separated by a bedrock formation at depth, and indicated the dividing line has about the same orientation as the topographic divide. The expert witness testified that, in his opinion, based upon the existing data and his own personal reconnaissance of the area, there is no significant exchange of ground water between Lemmon and Hungry Valleys. 6/

The expert witness further testified that the Hungry Valley Sub Basin is physically isolated from any major ground water development in the central portion of the Warm Springs Hydrographic Basin, and that the probability of any effect on existing rights in Warm Springs Valley is minimal. The expert testimony also established that there exists no other ground water development in practically the entire Hungry Valley Sub Basin. 7/

The expert witness testified that, in his opinion, average annual ground water recharge figures in published reports were conservative for Warm Springs Valley, that they were computed based upon conditions that do not take into account extensive pumpage in the central part of the valley and its effect on rates of recharge and discharge induced by the withdrawals. 8/

IV

Subsequent to the hearing of October 8, 1982, Applications 46538 and 46539 to change the points of diversion described under Applications 45142 and 45143 were filed on January 14, 1983. The new points of diversion are approximately 15,000 feet northeast of the topographic divide between Lemmon and Hungry Valleys and are within the NE $\frac{1}{4}$  NW $\frac{1}{4}$  Section 4, T. 21 N., R. 21 E., M.D.B.&M. Applications 46538 and 46539 became ready for action on April 9, 1983. No protests were filed against these applications to change. 9/

V

The hearing was reconvened before the State Engineer on June 8, 1983, after proper notice had been served. 10/

Expert testimony on behalf of applicant asserted the calculated effects of pumping the proposed wells at the new locations under Applications 46538 and 46539 would be close to zero at the topographic boundary between Lemmon and Hungry Valleys. 11/

Expert testimony on behalf of protestants took issue with the estimated value of the variables used in applicant's calculations, and concluded the effect on ground water levels near the topographic divide would likely be greater than "zero", although no specific figures were provided. 12/

CONCLUSIONS

I

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

II

The State Engineer shall approve all applications made in proper form which:

1. Contemplates the application of water to a beneficial use, or where
2. the proposed use or change does not tend to impair the value of existing rights, or
3. to be otherwise detrimental to the public welfare. 14/

III

Applicant, Reno-Sparks Indian Colony, is attempting to minimize any possible effects of pumpage on ground water levels in the vicinity of eastern Lemmon Valley by moving the proposed points of diversion 15,000 feet to the northeast, away from the hydrologic boundary between Lemmon Valley and Hungry Valley.

IV

The State Engineer is fully aware that calculations made by applicant's expert witness on the effects of pumping the proposed well are estimates, based on very limited data, and recognizes the need for careful monitoring of any ground water development in the Hungry Valley Sub Basin.

RULING

The protests to the granting of Applications 45142 and 45143 are herewith overruled on the grounds that the granting, in conjunction with the granting of Applications to Change 46538 and 46539, with conditions, will not tend to impair the value of existing rights. Permits will be issued under Applications 45142 and 45143 simultaneously with permits under Applications 46538 and 46539 upon receipt of statutory permit fees. The permits will be issued subject to the following conditions:

1. That three piezometers be installed at locations agreed upon by the State Engineer, and
2. Cancellation or withdrawal of Permits 46538 and 46539 will not result under any circumstances in the reversion of waters to abrogated Permits 45142 and 45143, but will result in a reversion of the waters to the source.

Respectfully submitted,



PETER G. MORROS  
State Engineer

PGM/TG/br

Dated this 15th day of  
July, 1983.

## FOOTNOTES

1. Public Records of the Office of the State Engineer.
2. Transcript of Hearing, dated October 8, 1982 is a public record available for examination in the Office of the State Engineer.
3. Transcript of Hearing, dated June 8, 1983 is a public record available for examination in the Office of the State Engineer.
4. Transcript of Hearing, dated October 8, 1982, pages 11 thru 13.
5. Transcript of Hearing, dated October 8, 1982, pages 24 and 25.
6. Transcript of Hearing, dated October 8, 1982, pages 33 thru 35.
7. Transcript of Hearing, dated October 8, 1982, pages 37 and 38.
8. Transcript of Hearing, dated October 8, 1982, pages 42 and 43.
9. Public records in the Office of the State Engineer.
10. Transcript of Hearing, dated June 8, 1983, is a public record available for examination in the Office of the State Engineer.
11. Transcript of Hearing, dated June 8, 1983, pages 8 thru 10.
12. Transcript of Hearing, dated June 8, 1983, pages 23 thru 26.
13. NRS 533.370.
14. NRS 533.370.