

IN THE OFFICE OF THE STATE ENGINEER

IN THE MATTER OF APPLICATIONS 51476)
AND 51477 TO CHANGE THE POINT OF)
DIVERSION AND PLACE OF USE OF)
UNDERGROUND WATER HERETOFORE)
APPROPRIATED IN SPANISH SPRINGS)
VALLEY, WASHOE COUNTY, NEVADA.)

RULING

GENERAL

Application 51476 was filed on November 4, 1987, by Golden West/Sunset Associates to change the point of diversion and place of use of 0.1916 c.f.s. (64 acre-feet) of underground water heretofore appropriated under Permit No. 48033. The proposed point of diversion (Well "A") is within the SE1/4 SW1/4 Section 35, T.21N., R.20E., M.D.B.&M. The existing point of diversion (Well No. 13) is within Lot 4, Section 6, T.20N., R.21E., M.D.B.&M. The existing and proposed places of use are within Spanish Springs Valley and the quasi-municipal and domestic manner of use is to remain unchanged.

Application 51477 was filed on November 4, 1987, by Golden West/Sunset Associates to change the point of diversion and place of use of 0.1916 c.f.s. (64 acre-feet) of underground water heretofore appropriated under Permit No. 48034. The proposed point of diversion (Well "B") is within the SE1/4 SW1/4 Section 35, T.21N., R.20E., M.D.B.&M. The existing point of diversion (Well No. 14) is within Lot 5, Section 6, T.20N., R.21E., M.D.B.&M. The existing and proposed places of use are within Spanish Springs Valley and the quasi-municipal and domestic manner of use is to remain unchanged.

Application 51476 was timely protested on January 6, 1988, by Sky Ranch Utility Corporation on the following grounds:

"We are herewith filing a protest against the issuance of well permits being considered by your agency under applications #51476 and #51477. The exploratory pilot hole for #51477 is currently nearing completion. The site is within the P.S.C. approved service area for Sky Ranch Utility Corporation and is approximately 2000ft from our largest producing well #SS6. When the previous management was operating this utility, Well #6 was equipped with a 750-800 gpm pump. The well

previous management. To solve the air production problem required a major reduction in pump size (375-400 gpm). The new pump and motor, installed October 1987, was selected to limit drawdown so the upper screen would remain submerged and not produce cascading white-water nuisance. Our engineering criteria and equipment selection has proven very successful to date.

We feel that the location of these wells will produce an adverse impact that will require costs to remedy."

Application 51477 was also timely protested by Nancy E. Puha on February 29, 1988, on the following grounds:

"Not an adequate supply of water in Spring (sic) to be pumped out and not replenished. I do not want to see the quality of life deteriorate because of lack of water from building."

The protestants requested the application be denied.

After proper notice a public administrative hearing was held before the State Engineer on June 9, 1988, to provide the applicant and protestants a full opportunity to present evidence and testimony in support of their respective positions.

FINDINGS

I.

The proposed place of use under Applications 51476 and 51477 is a slightly modified version of the existing place of use under the base rights, Permits 48033 and 48034.¹ The number of existing homes that are served or approved to be served water under the base rights within the existing place of use is a function of the amount of water approved under those permits. Any water exported out of the area through

¹ See: State's Exhibit No. 4 in evidence at the hearing held before the State Engineer on June 9, 1988, (hereinafter reference made to Exhibits means only those Exhibits in evidence at said hearing), and: Transcript of hearing before the State Engineer on June 9, 1988, P. 67, lines 18-22, (hereinafter, Transcript, page, lines).

approved sewer services for those subdivisions is already occurring under the permits proposed to be changed.² If Applications 51476 and 51477 were approved to change the same amount of water for the same number of homes in a slightly modified place of use, the State Engineer finds no evidence that any additional water would be exported out of the area through sewer service, beyond that which may be occurring under the base permits.

II.

The proposed points of diversion under 51476 and 51477 are less than two miles west of the existing points of diversion under the base Permits 48033 and 48034. The diversion rate allowed under 48033 is 0.1916 c.f.s. (86 G.P.M.) and the diversion rate allowed under 48034 is 0.1284 c.f.s. (58 G.P.M.). The total combined volume of water allowed under Permits 48033 and 48034 is 20.854 million gallons annually (64 acre-feet).³

III.

Protestant Sky Ranch Utility Corporation withdrew its protests to the granting of Applications 51476 and 51477, conditioned on the premise that the State Engineer impose specific requirements for the applicant to conduct certain tests on the wells, in the event permits are granted, and to supply the protestants adequate information regarding the tests and analyses thereof.⁴

IV.

The State Engineer finds no evidence that the changes proposed under Applications 51476 and 51477 will result in water quality deterioration.

² Transcript, p. 68, lines 3-17.

³ See: State's Exhibit Nos. 2, 3 and 4, and permit files 48033 and 48034 are public record in the office of the State Engineer.

⁴ Transcript p.5, l. 14 to p.7, l. 9; p.8, lines 9-17; p. 90 l. 22 to p. 93, l. 8.

CONCLUSIONS

I.

The State Engineer has jurisdiction of the parties and the subject matter of this action and determination and as set forth in NRS 533.325 and 533.365.

II.

Based on all of the evidence available to the State Engineer, the granting of Applications 51476 and 51477 to change the points of diversion and place of use of water heretofore appropriated under Permits 48033 and 48034, will not impair existing rights nor threaten to prove detrimental to the public interest.

RULING

The protests to the granting of Applications 51476 and 51477 are herewith overruled. The record reflects no evidence that the granting of Applications 51476 and 51477 will conflict with existing rights nor threaten to prove detrimental to the public interest. Permits will be granted to change 0.1916 c.f.s. under 48033 and to change 0.1284 c.f.s. under 48034 for a total combined duty of 20.854 million gallons annually (64 acre-feet).

Permits 51476 and 51477 are further subject to the following conditions:

- 1) That the production wells be subjected to a 72 hour (each) constant discharge aquifer interference test, at the permitted flow rates.
- 2) The analyses of these tests should be sufficient to generate reasonably accurate aquifer characteristics that exist in the vicinity of these wells and the Sky Ranch Utility Corporation Well.
- 3) The testing and analyses of these wells shall be completed no later than December 1, 1988, or prior to the actual beneficial use of the production wells, whichever occurs first.

4) The report detailing the analyses, prepared by a qualified hydrologist or engineer, shall be made available to the State Engineer and to the protestants for review no later than January 1, 1989, or prior to the actual beneficial use of the wells, whichever occurs first.

Respectfully submitted,



Peter G. Morros
State Engineer

PGM/TG/bk

Dated this 15th day of
July, 1988.