

IN THE OFFICE OF THE STATE ENGINEER

IN THE MATTER OF APPLICATION 51627 FOR)
THE WATERS OF AN UNDERGROUND)
SOURCE FILED BY LAWRENCE A. KEEFE)
WITHIN THE PLEASANT VALLEY)
GROUNDWATER BASIN IN WASHOE COUNTY,)
NEVADA.)

RULING

GENERAL

I.

Application 51627 was filed on December 11, 1987, by Lawrence A. Keefe to appropriate 2.0 c.f.s from an underground source for quasi-municipal purposes.¹ The proposed point of diversion is described as being within the NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 11, T.17N., R.19E., M.D.B.&M. (Well No. 1), and the proposed place of use is described as being within the S $\frac{1}{2}$ Section 11, T.17N., R.19E., M.D.B.&M.

II.

Application 51627 was timely protested on December 11, 1987, by the Truckee-Carson Irrigation District on the following grounds:²

"The Pleasant Valley Groundwater Basin has been designated by the State Engineer indicating that the basin is fully appropriated. This application will tend to reduce and adversely affect adjacent and downstream surface waters adjudicated under the Truckee River Decree."

III.

The application to appropriate the public waters was filed in support of a 96 unit subdivision - five acre parcels - for residential use. Estimated annual consumption use was 200 acre-feet annually. Each of the 96 units were to have a separate well and septic system.

¹ Public record in the State Engineer's office under Application 51627.

² Public record in the State Engineer's office under Application 51627.

FINDINGS OF FACT

I.

On March 1, 1978, the State Engineer described and designated the Pleasant Valley Groundwater Basin as a groundwater basin coming under the provisions of NRS Chapter 534 (conservation and distribution of underground waters).³

II.

Existing groundwater rights within the Pleasant Valley Groundwater Basin exceed 6,700 acre-feet annually. An additional 5,700 acre-feet annually has been approved for industrial (geothermal) purposes.⁴

III.

The State Engineer has denied applications to appropriate and applications to change groundwater within the Pleasant Valley Groundwater Basin in the past.

CONCLUSIONS

I.

The State Engineer has jurisdiction over the subject matter set forth herein.⁵

II.

The State Engineer is prohibited by law from granting a permit to appropriate the public waters or change of an existing right where:⁶

A. There is no unappropriated water in the proposed source or,

³ State Engineer's Order No. 709, public record in the office of the State Engineer.

⁴ See transcript of hearing held before the State Engineer dated May 21, 22 and 23, 1984, State of Nevada Exhibit "4".

⁵ NRS Chapters 533 and 534.

⁶ NRS 533.370.

- B. The proposed use conflicts with existing rights, or
- C. The proposed use threatens to prove detrimental to the public welfare.

III.

The State Engineer has declared the Pleasant Valley Groundwater Basin to be fully appropriated.⁷

IV.

Existing rights exceed the estimated annual groundwater recharge to the Pleasant Valley Groundwater Basin.

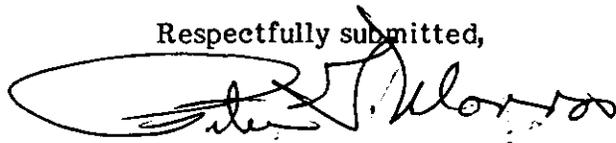
V.

Where previous applications for similar use of water have been denied the State Engineer may deny the application without publication.⁸

RULING

Application 51627 is hereby denied on the grounds that approval thereof would impair and interfere with existing rights in the Pleasant Valley Groundwater Basin and therefore approval would not be in the public interest.

Respectfully submitted,



PETER G. MORROS
State Engineer

PGM/JJS/bk

Dated this 19th day of
June, 1989.

⁷ See transcript of public hearing before the State Engineer, May 23, 1984, page 689.

⁸ NRS 533.370(3).