

IN THE OFFICE OF THE STATE ENGINEER

IN THE MATTER OF APPLICATION 55190)
FILED TO APPROPRIATE THE PUBLIC)
WATERS OF UNDERGROUND SOURCES IN)
WASHOE VALLEY, WASHOE COUNTY,)
NEVADA.)
)

RULING

GENERAL

Application 55190 was filed on August 16, 1990, by Brien B. Walters to appropriate 0.40 c.f.s. of water from an underground source for commercial, quasi-municipal and subdivision purposes within the NE $\frac{1}{4}$ NW $\frac{1}{4}$, the NW $\frac{1}{4}$ NW $\frac{1}{4}$, and the NE $\frac{1}{4}$ NE $\frac{1}{4}$ all in Section 24, T.17N., R.19E., M.D.B.&M. The point of diversion is described as being within the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 24, T.17N., R.19E., M.D.B.&M.¹

FINDINGS OF FACT

I.

Application 55190 proposes to use water for commercial, multi residential and single family residential development purposes.

II.

By Order No. 707, dated March 1, 1978, the State Engineer designated the basin as needing additional administration and described Washoe Valley Groundwater Basin under provisions of NRS Chapter 534.¹

III.

The State Engineer has denied applications to appropriate groundwater for similar purposes in Washoe Valley Groundwater Basin.²

¹ Public record in the office of the State Engineer.

² See Ruling 3201, dated June 5, 1985, denying Applications 35202, 38076, 38077, 38344, 38345, 41458, 41459, 41460, 43700, 45674, 46367, 46451, 46475, 46476, 46477, 46478, 46479, 46480, 46481, 46482, 46483, 46486, 46487, and 47662.

IV.

Application 55190 is proposing to drill a well in Washoe Valley. Washoe Valley is an area of limited water yield. Additional pumpage and consumptive use would tend to have an adverse effect on the existing concentration of domestic wells in this area of limited natural recharge and would cause declines in the water table as well as potential deterioration of the water quality.²

CONCLUSIONS

I.

The State Engineer has jurisdiction of the parties and the subject matter of this action and determination.³

II.

The State Engineer is prohibited by law from granting a permit under an application to appropriate the public waters where:⁴

- 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 interest.

III.

The State Engineer may deny an application without going to publication where a previous application for a similar use in the same basin has been denied.⁴

² Public record in the office of the State Engineer, Ruling No. 3201.

³ NRS Chapters 533 and 534.

⁴ NRS 533.370(3).

IV.

Approval of Application 55190 would result in withdrawal and consumptive use of the groundwater resource and would adversely affect the availability of the groundwater of Washoe Valley. Such withdrawal and use would deplete water resources and would interfere with and impair the value of existing water rights and would be detrimental to the public interest.

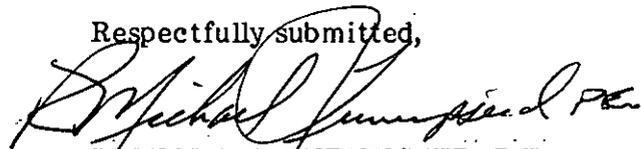
V.

By Ruling No. 3201 dated June 5, 1985, previous applications to appropriate groundwater in Washoe Valley Groundwater Basin have been denied for a similar use.²

RULING

Application 55190 for the waters of an underground source is herewith denied on the grounds that the granting thereof would interfere with and tend to impair the value of existing rights and would be detrimental to the public interest.

Respectfully submitted,



R. MICHAEL TURNIPSEED, P.E.
State Engineer

RMT/KH/bk

Dated this 9th day of
October, 1990.