

IN THE OFFICE OF THE STATE ENGINEER
OF THE STATE OF NEVADA

IN THE MATTER OF APPLICATIONS 57070,)
57071 AND 57072 FILED TO APPROPRIATE)
WATER FROM AN UNDERGROUND SOURCE IN)
THE SPANISH SPRINGS VALLEY GROUND)
WATER BASIN, WASHOE COUNTY, NEVADA.)

RULING

3872

GENERAL

I.

Application 57070 was filed by Tim Tucker and Scott Tucker on January 9, 1992, to appropriate 6.0 cubic feet per second (cfs) of water from an underground source for quasi-municipal purposes described as "Subdivisions and municipal or private golf course and recreation complex." The point of diversion is described as being within the SW1/4 SW1/4 Section 27, T.20N., R.21E., M.D.M. The place of use is described as Sections 6, 7 and 18, T.20N., R.21E., M.D.M.¹

Application 57071 was filed by Tim Tucker and Scott Tucker on January 9, 1992, to appropriate 6.0 cfs of water from an underground source for quasi-municipal purposes. The point of diversion is described as being within the SE1/4 SE1/4 Section 7, T.20N., R.21E., M.D.M. The proposed use and place of use are the same as Application 57070.¹

Application 57072 was filed by Tim Tucker and Scott Tucker on January 9, 1992, to appropriate 6.0 cfs of water from an underground source for quasi-municipal purposes. The point of diversion is described as being within the NE1/4 NE1/4 Section 7, T.20N., R.21E., M.D.M. The proposed use and place of use are the same as Applications 57070 and 57071.¹

¹ Public record in the office of the State Engineer, filed under Applications 57070, 57071 and 57072.

II.

By Order No. 533 dated March 10, 1975, the State Engineer designated and described the Spanish Springs Valley Ground Water Basin as a ground water basin coming under the provisions of NRS 534.120.

FINDINGS OF FACT

I.

The perennial yield of a hydrologic basin is the maximum amount of water of usable chemical quality that can be consumed economically each year for an indefinite period of time. Perennial yield cannot exceed the natural replenishment to an area indefinitely and ultimately and is limited to the maximum amount of natural recharge that can be salvaged for beneficial use.² If the perennial yield is continually exceeded, ground water levels will decline until the ground water reservoir is depleted. Withdrawals of ground water in excess of the perennial yield contribute to adverse conditions such as water quality degradation, storage depletion, diminishing yield of wells, increased economic pumping lifts, land subsidence and possible reversal of ground water gradients which could result in significant changes in the recharge-discharge relationship.

II.

The State Engineer estimates that the perennial yield of the Spanish Springs Valley Ground Water Basin is 1000 acre-feet annually.³

² State Engineer's Office, Water for Nevada, Report No. 3, p. 13.

³ Department of Conservation and Natural Resources Water Resource-Reconnaissance Series Report 43 p. 49.

III.

The State Engineer finds that existing certificated and permitted ground water rights in the Spanish Springs Valley Ground Water Basin exceed 6000 acre-feet annually.⁴

IV.

The State Engineer finds that existing ground water rights in the Spanish Springs Valley Ground Water Basin exceed the perennial yield of the basin. Should additional water be allowed for appropriation development under new applications and subsequent detrimental effects occur, the State Engineer is required by law to order withdrawals be restricted to conform to priority rights.⁵

V.

The State Engineer finds that Applications 57070, 57071 and 57072 proposes to divert an additional 1988 acre-feet per year from the Spanish Springs Valley Ground Water Basin.¹

VI.

The State Engineer has denied applications to appropriate ground water for quasi-municipal purposes in the Spanish Springs Valley Ground Water Basin.⁶

CONCLUSIONS

I.

The State Engineer has jurisdiction of the parties and the subject matter of this action.⁷

4 Public record in the office of the State Engineer, Hydrographic Basin Abstract 6-85.

5 NRS 534.110(6).

6 Public record in the office of the State Engineer, Ruling Nos. 2348 and 2381.

7 NRS 533.025 and 533.030 subsection 1.

II.

The State Engineer is prohibited by law from granting a permit where:

1. There is no unappropriated water at the proposed source, or
2. The proposed use conflicts with existing rights, or
3. The proposed use threatens to prove detrimental to the public welfare.⁸

III.

The State Engineer is authorized by law to deny applications prior to publication when applications for the same purpose in the same basin were previously denied.⁸

IV.

The State Engineer concludes that existing ground water rights exceed the estimates of perennial yield in the Spanish Springs Valley Ground Water Basin.

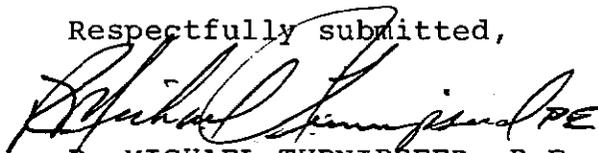
The State Engineer concludes that to approve an additional appropriation of 1988 acre-feet per year requested under Applications 57070, 57071 and 57072 from the limited ground water basin would adversely affect existing rights and threaten to prove detrimental to the public welfare and interest.

⁸ NRS 533.370 subsection 3.

RULING

Applications 57070, 57071 and 57072 are denied on the grounds that the granting of these applications for appropriation of ground water in a basin where the water rights of record exceed the perennial yield would conflict with existing rights and threaten to prove detrimental to the public welfare and interests.

Respectfully submitted,



R. MICHAEL TURNIPSEED, P.E.
State Engineer

RMT/CAB/pm

Dated this 4th day of
March, 1992.