

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

IN THE MATTER OF APPLICATIONS)
69548 AND 69549 FILED TO)
APPROPRIATE THE PUBLIC WATERS OF)
AN UNDERGROUND SOURCE WITHIN)
THE WARM SPRINGS VALLEY)
HYDROGRAPHIC BASIN (84), WASHOE)
COUNTY, NEVADA.)

RULING

#5293

GENERAL

I.

Application 69548 was filed on February 6, 2003, by W. Dalton La Rue, Jr. and/or Anastasia J. La Rue d.b.a. Winnemucca Ranch to appropriate 6.0 cubic feet per second (cfs), not to exceed 1,400 acre-feet annually (afa), of underground water for irrigation and domestic purposes. The proposed place of use is 350 acres within the W $\frac{1}{2}$ NW $\frac{1}{4}$ and S $\frac{1}{2}$ of Section 13, the E $\frac{1}{2}$ NE $\frac{1}{4}$ of Section 14, the N $\frac{1}{2}$ NE $\frac{1}{4}$ and SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 24, T.24N., R.19E., M.D.B.&M., the W $\frac{1}{2}$ of Section 19, T.24N., R.20E., M.D.B.&M. The proposed point of diversion is described as being located within the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 14, T.24N., R.19E., M.D.B.&M.¹

II.

Application 69549 was filed on February 6, 2003, by W. Dalton La Rue, Jr. and/or Anastasia J. La Rue d.b.a. Winnemucca Ranch to appropriate 6.0 cfs, not to exceed 1,400 afa, of underground water for irrigation and domestic purposes. The proposed place of use is 350 acres within the W $\frac{1}{2}$ NW $\frac{1}{4}$ and S $\frac{1}{2}$ of Section 13, the E $\frac{1}{2}$ NE $\frac{1}{4}$ of Section 14, the N $\frac{1}{2}$ NE $\frac{1}{4}$ and SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 24, T.24N., R.19E., M.D.B.&M., the W $\frac{1}{2}$ of Section 19, T.24N., R.20E., M.D.B.&M. The proposed point of diversion is described as being located within the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 19, T.24N., R.20E., M.D.B.&M.²

III.

The applications were timely protested by Washoe County on the following grounds:

¹ File No. 69548, official records in the Office of the State Engineer.

² File No. 69549, official records in the Office of the State Engineer.

Washoe County opposes the granting of these applications on the following grounds:

1. There is no unappropriated water in the source of supply
2. The proposed appropriations threaten to prove detrimental to the public interest
3. The proposed applications would conflict with existing rights

Multiple studies by USGS and Washoe County have estimated the perennial yield of this basin at about 3000 acre-feet annually. State Engineer's records indicate total existing appropriations of approximately 7000 acre-feet.

FINDINGS OF FACT

I.

State Engineer's Order No. 607, issued January 18, 1977, described and designated the Warm Springs Valley Hydrographic Basin as a groundwater basin in need of additional administration under the provisions of NRS § 534.030.³ The State Engineer finds that Applications 69548 and 69549 have proposed points of diversion and places of use that are located within the hydrologic boundaries of the designated Warm Springs Valley Hydrographic Basin.

II.

The State Engineer finds that previous applications for irrigation have been denied in the Warm Springs Valley Hydrographic Basin.⁴

III.

The perennial yield of a groundwater reservoir may be defined as the maximum amount of groundwater that can be salvaged each year over the long term without depleting the groundwater reservoir. Perennial yield is ultimately limited to the maximum amount of natural recharge that can be salvaged for beneficial use.

Withdrawals of ground water in excess of the perennial yield may contribute to adverse conditions such as water quality degradation, storage depletion, diminishing yield of wells, increase in cost due to increased pumping lifts, land subsidence, and possible

³ State Engineer's Order No. 607, issued January 18, 1977, official records in the Office of the State Engineer.

⁴ State Engineer's Ruling No. 2478, dated June 20, 1979, public record in the Office of the State Engineer.

reversal of groundwater gradients, which could result in significant changes in the recharge-discharge relationship.⁵

IV.

The estimated perennial yield of the Warm Springs Valley Hydrographic Basin is 3,000 acre-feet, which assumes salvage of all discharge.⁶ A review of records in the Office of the State Engineer show the committed groundwater resources, for the Warm Springs Valley Hydrographic Basin, to be over 7,300 acre-feet annually.⁷ The State Engineer finds that permits and certificates have been issued under existing rights for more than the estimated perennial yield from the groundwater system within the Warm Springs Valley Hydrographic Basin.

CONCLUSIONS

I.

The State Engineer has jurisdiction over the parties and the subject matter of this action and determination.⁸

II.

The State Engineer is prohibited by law from granting an application to appropriate the public waters where:⁹

- A. there is no unappropriated water at the proposed source;
- B. the proposed use or change conflicts with existing rights;
- C. the proposed use or change conflicts with protectible interests in existing domestic wells as set forth in NRS § 533.024; or
- D. the proposed use or change threatens to prove detrimental to the public interest.

III.

Nevada Revised Statute 533.370(3) provides that if a previous application for a similar use within the same basin has been rejected on those grounds, the new application may be denied without publication. The State Engineer concludes that previous applications have been denied for similar uses in the Warm Springs Valley Hydrographic Basin; therefore, Applications 69548 and 69549 may be considered for denial.

⁵ State Engineer's office, Water for Nevada, State of Nevada Water Planning Report No. 3, p. 13, Oct. 1971.

⁶ F. Eugene Rush and Patrick A. Glancy, *Water Resources-Reconnaissance Series, Report 43*, Department of Conservation and Natural Resources in Cooperation with the U.S. Geological Survey, p. 49, (1967).

⁷ Nevada Division of Water Resources Water Rights Database, Hydrographic Basin Summary for Warm Springs Valley, May 12, 2003.

⁸ NRS chapters 533 and 534.

⁹ NRS § 533.370(3).

IV.

The committed groundwater resources of the Warm Springs Valley Hydrographic Basin currently exceed the groundwater basin's estimated perennial yield. The State Engineer concludes that the approval of the subject applications would result in the withdrawal of substantial amounts of ground water for irrigation purposes in excess of the perennial yield of the Warm Springs Valley Hydrographic Basin and therefore would adversely affect existing rights and be detrimental to the public interest.

RULING

The protests to Applications 69548 and 69549 are upheld and Applications 69548 and 69549 are hereby denied on the grounds that their approval would conflict with existing rights and threaten to prove detrimental to the public interest.

Respectfully submitted,



HUGH RICCI, P.E.
State Engineer

HR/TW/jm

Dated this 8th day of
October, 2003.