

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

IN THE MATTER OF PERMIT 41973,)
CERTIFICATE 12220, AND PERMIT)
51107, CERTIFICATE 13242, FILED TO)
APPROPRIATE THE PUBLIC WATERS)
OF AN UNDERGROUND SOURCE)
WITHIN THE LEMMON VALLEY -)
WESTERN PART HYDROGRAPHIC)
BASIN (92A), WASHOE COUNTY,)
NEVADA)

RULING

#5352

GENERAL

I.

Certificate 12220 was issued on August 8, 1989, under Permit 41973, to the University of Nevada - Reno, and later assigned to the Truckee Meadows Water Authority, to appropriate 0.245 cubic foot per second (cfs) of water from an underground source for a Fire Training Facility in Stead, Nevada. The place of use is described as being located within portions of the SE $\frac{1}{4}$ of Section 29, T.21N., R.19E., M.D.B.&M. The point of diversion is described as being located within the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 29.¹

II.

Certificate 13242 was issued on January 30, 1992, under Permit 51107, to the University of Nevada - Reno, and later assigned to the Truckee Meadows Water Authority, to appropriate 0.245 cfs of water from an underground source for a Fire Training Facility in Stead, Nevada. The place of use is described as being located within portions of the SE $\frac{1}{4}$ of Section 29, T.21N., R.19E., M.D.B.&M. The point of diversion is described as being located within the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 29.²

¹ File No. 41973, official records in the Office of the State Engineer

² File No. 51107, official records in the Office of the State Engineer

FINDINGS OF FACT

I.

Application 41973 was filed for the express purpose of supplying water to the University of Nevada Fire Training Facility at Stead.¹ Application 51107 was filed for additional water for fire training from the same well as Application 41973. The State Engineer permitted both applications and ultimately water right certificates were issued on each permit. The certificates were issued subject to the terms of the permits and supplemental to each other for a total combined duty of 7.0 million gallons annually. The permit terms under Application 51107 specifically provides that it was issued under the provisions for granting permits to preferred uses, that it was issued for fire training purposes only and with the understanding that every attempt would be made to minimize the use of water. The State Engineer retained the right to reduce the amount of water granted under the permit if he felt the conditions in the groundwater basin warranted reduction.² The State Engineer finds that Permit 41973, Certificate 12220 and Permit 51107, Certificate 13242 were granted solely for firefighting training purposes at the University of Nevada Fire Training Facility at Stead as a public interest preferred use.

II.

The last fire class at the University of Nevada Fire Training Facility at Stead was concluded in October of 1999 and a new facility was officially opened in Carlin in March of 1999.¹ The new Carlin facility is supported by water right permits 64120, 64121, and 64873.² The State Engineer finds that the need to divert water from the well at the University of Nevada Fire Training Facility at Stead ceased upon closure of that facility.

III.

By water rights deed, dated October 30, 2001, ownership of the water right certificates associated with the University of Nevada Fire Training Facility at Stead was transferred to the Truckee Meadows Water Authority. The Truckee Meadows Water Authority attempted to change the water from the closed fire academy to municipal use to offset summer peaking and boost water deliveries in the Stead area.⁴ The State Engineer denied the change applications on October 17, 2003, on the grounds that the changes

¹ Nevada Division of Water Resources Water Rights Database, Special Hydrographic Abstract, October 28, 2003

² File Nos. 68202 and 68203, official records in the Office of the State Engineer

would interfere with existing rights and threaten to prove detrimental to the public interest.⁵ Within the findings of State Engineer's Ruling No. 5302, it was found that "...when the applications were granted ...they were granted solely for the firefighting training purposes as a public interest preferred use" and "... they were never issued to become a water right available for transfer ...". The State Engineer finds that the manner of use and place of use of Permit 41973, Certificate 12220 and Permit 51107 Certificate 13242 cannot be changed.

IV.

The State Engineer finds that the closing of the University of Nevada Fire Training Facility at Stead, transferring ownership of the water rights to the Truckee Meadows Water Authority, and the attempt to change the place of use and manner of use of the water rights demonstrates the intent to abandon the use of water at the Stead facility for the purposes of fire training.

CONCLUSIONS

I.

The State Engineer has jurisdiction over the parties and the subject matter of this action and determination.⁶

II.

The State Engineer concludes that the water rights under Permit 41973, Certificate 12220 and Permit 51107, Certificate 13242, are abandoned as evidenced by the overt acts of closing the University of Nevada Fire Training Facility at Stead, the opening of a new Fire Training Facility at Carlin, transferring ownership of the water rights to the Truckee Meadows Water Authority, and the attempt to change the place of use and manner of use of the water rights.

III.

The State Engineer concludes that the purpose for which the water rights were issued no longer exists and the water can no longer be placed to beneficial use under Permit 41973, Certificate 12220 and Permit 51107, Certificate 13242.

⁵ State Engineer's Ruling No. 5302, dated October 17, 2003, official records in the Office of the State Engineer.

⁶ NRS chapters 533 and 534.

RULING

Permit 41973, Certificate 12220 and Permit 51107, Certificate 13242, are hereby declared abandoned. The water under Permit 41973, Certificate 12220 and Permit 51107, Certificate 13242 reverts back to the groundwater source and is not subject to further appropriation.

Respectfully submitted,



HUGH RICCI, P.E.
State Engineer

HR/TW/jm

Dated this 5th day of

Maye _____, 2004.