

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

IN THE MATTER OF APPLICATION 82020, FILED)
TO APPROPRIATE THE PUBLIC WATERS OF AN)
UNDERGROUND SOURCE WITHIN THE TRACY)
SEGMENT HYDROGRAPHIC BASIN (83), WASHOE)
COUNTY, NEVADA.)

RULING
#6298

GENERAL

I.

Application 82020 was filed on July 20, 2012, by Edwin L. DePaoli to appropriate 0.023 cubic feet per second of groundwater for stockwatering purposes. The proposed point of diversion is described as being located within Lot 4 of the SW $\frac{1}{4}$ of Section 30, T.20N., R.22E., M.D.B.&M. The proposed place of use is described as being located within Lot 4, of said Section 30.¹

FINDINGS OF FACT

I.

The State Engineer recently issued two rulings addressing the availability of groundwater in the Tracy Segment Hydrographic Basin. In State Engineer's Ruling No. 5747, the State Engineer found that the perennial yield of the Tracy Segment Hydrographic Basin was 11,500 acre-feet annually (afa); and, by subtracting the existing groundwater commitments, concluded there was 2,920 afa of groundwater available for appropriation. The State Engineer found the available water was fully allocated to senior applications, leaving no significant quantities of water to be appropriated by applications filed later in time.² In State Engineer's Ruling No. 5749, the State Engineer denied additional applications to appropriate groundwater in the Tracy Segment Hydrographic Basin finding that the committed groundwater resources of the basin currently equalled the groundwater basin's estimated perennial yield.³

The State Engineer finds that State Engineer's Ruling No. 5747 allocated the remaining available groundwater in the Tracy Segment Hydrographic Basin; therefore, there is insufficient water available to satisfy the quantity of water requested for appropriation under Application 82020.

¹ File No. 82020, official records in the Office of the State Engineer.

² State Engineer's Ruling No. 5747, dated June 27, 2007, official records in the Office of the State Engineer.

³ State Engineer's Ruling No. 5749, dated July 5, 2007, official records in the Office of the State Engineer.

CONCLUSIONS OF LAW

I.

The State Engineer has jurisdiction over the parties and of the subject matter of this action and determination.⁴

II.

The State Engineer is prohibited by law from granting a permit to appropriate the public waters where:⁵

- 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 protectable 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.

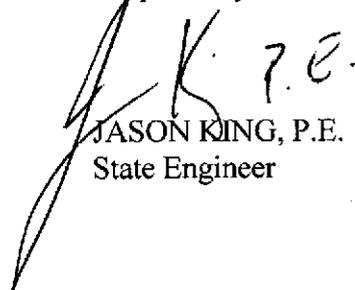
III.

The committed groundwater resources of the Tracy Segment Hydrographic Basin currently equal the groundwater basin's estimated perennial yield. The State Engineer concludes that the approval of the subject application would result in the withdrawal of groundwater in excess of the perennial yield of the Tracy Segment Hydrographic Basin and therefore, would adversely affect existing rights and would threaten to prove detrimental to the public interest.

RULING

Application 82020 is hereby denied on the grounds that its approval would conflict with existing rights and threaten to prove detrimental to the public interest.

Respectfully submitted,



JASON KING, P.E.
State Engineer

Dated this 19th day of
December, 2014.

⁴ NRS Chapters 533 and 534.

⁵ NRS § 533.370(2).