

STATE OF NEVADA
DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

DIVISION OF WATER RESOURCES

Capitol Complex

201 South Fall Street, Carson City, Nevada 89710

October 18, 1978

102

In reply refer to
No.

Address All Communications to
the State Engineer, Division
of Water Resources
Telephone (702) 885-4380

Jack H. and Yvone Fisher
810 Daniel Drive
Reno, Nevada 89509
Certified Mail No. 178939

John J. Owenn
P. O. Box 165
Virginia City, Nevada 89440
Certified Mail No. 178942

Michael R. Brown
P.O. Box 4
Schurz, Nevada 89427
Certified Mail No. 178940

Lloyd A. and Betty G. Thompson
Route 3, Box 284
Buhl, Idaho 83316
Certified Mail No. 178944

George M. and Karn G. Wilson
P.O. Box 52
Schurz, Nevada 89427
Certified Mail No. 178941

Lester A. and Jean K. Conklin,
Lester A. and Thomas R. Conklin
46 West First Street
Reno, Nevada 89501
Certified Mail No. 178945

Truckee Carson Irrigation District
P.O. Box 870
Fallon, Nevada 89406
Certified Mail No. 178943

Ladies and Gentlemen:

The following applications were filed to appropriate underground
water from Churchill Valley Nevada:

APPLICANT

PROTESTANT

31741 Jack H. and Yvonne Fisher
32549 Michal R. Brown
32550 George M. Wilson
32551 Karen G. Wilson
32552 Lloyd A. thompson
32553 John J. Owenn
32554 Betty G. Thompson
34625 Lester A., Jean, Lester A.,
Jr. and Thomas R. Conklin

Truckee Carson Irrigation District
Truckee Carson Irrigation District
Truckee Carson Irrigation District
Truckee Carson Irrigation District
Truckee Carson Irrigation District

A Hearing before the State Engineer was held October 17, 1978.

An oral Ruling was made at the Hearing and the above applications
were denied and the protests upheld in part. A copy of the endorsed
application is enclosed.

Very truly yours,


Roland D. Westergard
State Engineer

RDW/bl
Enclosure

cc: Peter G. Guisti - Certified Mail No.179006
John R. Weber - Certified Mail No. 179007

1 Applications 31741 and Applications 32549 through 32554,
2 inclusive.

3 These are Applications, as the record will reflect,
4 to appropriate water for irrigation purposes in the Churchill
5 Valley, on the Churchill Valley Ground Water Basin.

6 Previous rulings and the report of the State
7 Engineer to the State Land Office set out detailed findings
8 of fact, conclusions and a ruling based on what I consider
9 substantial evidence.

10 This hearing today was held to provide the
11 opportunity to, for any of the parties to either contest that
12 evidence or submit additional information or evidence or
13 clarifying information, evidence, or data that might in any
14 way reflect on the decision to be made or reflect or affect
15 the decision to be made in this matter, although some comments
16 were made and some limited testimony was offered, I don't
17 think, and I'm sure the record will bear out, that there's
18 been anything substantial to change the, essentially the
19 findings of fact and conclusions that were reached in the
20 case of the previous rulings.

21 It's therefore my ruling that Applications 31741
22 and 32549 through 34625, inclusive--I'm sorry, that last
23 one should have been 32554, inclusive, are denied on the
24 grounds that the appropriation for underground water as
25 applied for would tend to impair the value of existing rights
26 and would be detrimental to the existing public rights and

1 welfare, and as a part of that ruling, the protests of the
 2 Truckee Carson Irrigation District, as it relates to the
 3 adverse affect on the existing rights of that district, is
 4 also upheld.

5 Let's move now then to Application 34625 in the
 6 name of the Conklins.

7 This Application was also for irrigation purposes.
 8 Mr. Conklin indicated that it was merely for an additional
 9 7.67 acres, I believe it was, from an existing well.

10 His testimony was that he would not need any more
 11 water, but just would spread the water that he'd been
 12 allocated over a slightly larger area, but I would inform
 13 Mr. Conklin, and also clarify for the record, that the
 14 limited extent of the water right when it is issued is not
 15 only for a given quantity of water, but it's also based on
 16 the quantity of water necessary for additional use within
 17 the area described.

18 So, your previous water right was limited not
 19 only by a diversion entitlement and an annual entitlement,
 20 but also limited by the acreage and the quantity of water
 21 that would be required beneficially to apply to that acreage.

22 So, it's my finding and conclusion that irrigation
 23 of an additional 7.67 acres would, in fact, result in a
 24 withdrawal from the Churchill Valley Ground Water Basin, and,
 25 in fact, an additional consumption of water for irrigation
 26 purposes, and based on the substantial evidence which is in

1 the record in the form of the rulings and reports and so
 2 forth, it is my ruling that Application Number 34625 is
 3 denied on the grounds that the appropriation of underground
 4 water for irrigation of this acreage as applied for would
 5 tend to impair the value of existing rights and would be
 6 detrimental to the public interest and welfare.

7 Now, let's move finally to Application Number
 8 35318 in the name of Pitts.

9 I believe the record will indicate by comments
 10 from Mr. Cardinalli that the Churchill Valley Ground Water
 11 Basin is, in fact, a designated ground water basin.

12 Nevada Revised Statutes 534.120 provide in part
 13 that the State Engineer may in designated ground water basins
 14 designate preferred uses within different categories.

15 I think we had substantial comment and testimony
 16 to the effect that there is, in fact, a demand for the
 17 types of uses that are described in Application Number 35318
 18 within the Churchill Valley Ground Water Basin.

19 There is an indication that there is a need for
 20 additional housing in that area in the form of mobile home
 21 parks, and also a demand for overnight spaces.

22 I think consistent with that it's pretty much
 23 understood that there is a residence, or will be a residence
 24 in that area, and, of course, such a facility does require
 25 restrooms, and I think inherent in that is an office and
 26 recreation room and a water short area, perhaps limited

1 landscaping.

2 I think Mr. Scott testified that the water
3 required for landscaping would be something in the order
4 of a 100 gallons a day, which does not appear unreasonable
5 for that type of development.

6 I think the authority for jurisdiction exists
7 within the statutes for the State Engineer to declare on a
8 given use of preferred use, and there was also substantial
9 testimony that this would be an economic interest not only
10 of the Pitts, but the Lyon County area in general.

11 It's therefore my ruling, although the Application
12 was not protested, that Application Number 35318 will be
13 issued for a quantity of water not to exceed one tenth of
14 a cubic foot per second, and also not to exceed a total
15 annual duty of 14 acre feet per year.

16 That concludes the ruling and the hearing in this
17 matter, and I thank you for your participation and interest.

18 (The proceedings were concluded and closed.)

19 ---o0o---

20
21
22
23
24
25
26

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

REPORTER'S CERTIFICATE

---o0o---

This is to certify that I, TODD S. WICKLANDER, Nevada Certified Shorthand Reporter #81, was present at the time and place the foregoing proceedings were had and taken before the Department of Conservation and Natural Resources, Division of Water Resources, State Gaming Control Board Hearing Room, Room 220, 1150 East Williams Street, Carson City, Nevada, on Tuesday, October 17, 1978; that I did report the same fully and truly in Stenograph writing to the best of my ability; that thereafter I caused my said Stenograph writing to be transcribed into longhand typewriting; and the foregoing transcript, beginning at the top of page 1, to and including page 43, constitute a full, true, correct and complete transcription of said Stenograph writing aforesaid.

Dated at Carson City, Nevada, this 17th day of November, 1978.


TODD S. WICKLANDER,
CSR #81, CP, RPR