

IN THE MATTER OF APPLICATION 34011 TO)
APPROPRIATE WATER FROM AN UNDERGROUND)
SOURCE IN THE CARSON DESERT, CHURCHILL)
COUNTY, NEVADA.)

R U L I N G

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GENERAL

Application 34011 was filed October 5, 1977, in the name of Peggy Van Fleet to appropriate 2.0 c.f.s. of water from an underground source located within the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 7, T.19N., R.27E., M.D.B. & M. for irrigation and domestic purposes. The place of use being within a portion of the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 7, T.19N., R.27E., M.D.B. & M. containing 13.0 acres.

Application 34011 became ready for action by the State Engineer's office on July 20, 1978.

Protests to the granting of Application 34011 were filed November 18, 1977, and June 16, 1978, in the name of the Truckee-Carson Irrigation District which seek denial of the application on grounds that:

- 1) "the waters herein sought to be appropriated have heretofore been appropriated for use for beneficial purposes within the Newlands Project."
- 2) "said waters herein sought to be appropriated are necessary for the uses of the Newlands Project for the irrigation of land and the acquisition of additional pasture lands within said project."
- 3) "said waters herein sought to be appropriated would, if allowed to be appropriated, have an adverse effect upon the surface water supply and upon the shallow underground water supply within the boundaries of the Truckee-Carson Irrigation District."
- 4) "said waters herein sought to be appropriated from underground sources go to make up return flow which is used for irrigation of other lands."

A protest to the granting of Application 34011 was filed July 19, 1978, in the names of T. N. York and Monte E. York who seek the denial of application on the grounds that:

- 1) "incorrect date on application."
- 2) (the application) "could adversely affect domestic water supply."
- 3) (the) "amount (2 second feet) seems too great for 10-12 acres."
- 4) "terrain not suitable for irrigation."

A field investigation, No. 677, into the matter of protested Application 34011 was conducted from 10:30 a.m. to 11:05 a.m. on Tuesday, August 21, 1979.

Testimony by the representative for the applicant indicates the area as being artesian in nature with a static water level of 30 feet. Based upon his calculations, the "area of influence" of the well has a radius of 700 feet and poses no threat to existing wells.

Representatives for the Truckee-Carson Irrigation District indicated the protest would be withdrawn if the well was sealed to 100 feet with the perforations to begin below 100 feet from the ground surface.

The point of diversion for Application 34011 is an existing well drilled under Permit 29343. Permit 29343 was canceled April 13, 1977, for failure to file the proof of completion of work within the time limitations established under the permit.

Certified copies of the deeds have been filed assigning Application 34011 to reflect ownership by Juri and Linda Urm.

By Order No. 716 dated July 6, 1978, the State Engineer designated and described the Carson Desert Ground Water Basin as provided under NRS 534.

By Order No. 722 dated October 4, 1978, Curtailment of Water Appropriations within the Carson Desert Ground Water Basin stated that all applications filed after October 4, 1978, to appropriate underground water to irrigate additional land within the Carson Desert Ground Water Basin will be denied. 1/

CONCLUSIONS

The State Engineer has jurisdiction of the parties and the subject matter of this action. 2/

The State Engineer shall approve all applications made in proper form where all fees have been paid, which contemplate the application to beneficial use, and where the proposed use or change does not tend to impair the value of existing rights, or prove to be otherwise detrimental to the public welfare. 3/

Sufficient information was gathered at the field investigation on August 21, 1979, to indicate the value of existing rights would not be impaired, or otherwise prove to be detrimental to the public welfare. 4/

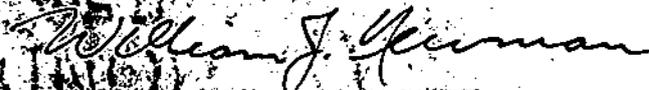
RULING

The protests to the granting of Application 34011 are overruled on the grounds that the granting of Application 34011 will not impair the

value of existing rights or prove to be detrimental to the public welfare. A permit will be issued under Application 34011 subject to the following conditions:

1. The diversion rate shall be limited to 224.4 g.p.m. or 0.50 c.f.s.
2. The well must be deepened or redrilled in order that no perforations are put in the production casing from ground level to 100 feet.
3. A totalizing meter must be installed and maintained at the discharge pipeline near the point of diversion and accurate measurements must be kept of water placed to beneficial use.

Respectfully submitted,



William J. Newman
State Engineer

WJN/RWP/ja

Dated this 15th day

of FEBRUARY 1980

FOOTNOTES

- 1) Public records in the office of the State Engineer.
- 2) NRS 533.025 and NRS 533.030, subsection 1.
- 3) NRS 533.070, subsection 1.
- 4) Public records in the office of the State Engineer. See Field Investigation No. 677.