

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

IN THE MATTER OF PROTESTED APPLICATION 61736)
FILED TO APPROPRIATE THE UNDERGROUND WATERS)
OF THE TRACY SEGMENT GROUNDWATER BASIN (83))
STOREY COUNTY, NEVADA.)

RULING

4358

GENERAL

I.

Application 61736 was filed on December 5, 1995, by Kaiser Sierra Micromills, LLC, to appropriate 0.5 cubic feet per second (cfs) of the underground waters of the Tracy Segment Groundwater Basin, for quasi-municipal (industrial) use for a proposed aluminum can stock micromill processing plant located within portions of the E $\frac{1}{2}$ Section 32, T.20N., R.22E., M.D.B.&M. The proposed point of diversion is located within the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 32.¹

II.

Application 61736 was timely protested by the Truckee-Carson Irrigation District (TCID) on the grounds that:

This application, if granted will tend to adversely affect existing water rights since the diversion will consumptively use water from a groundwater basin which has been fully appropriated and designated by the State Engineer. Records of the State Engineer and the USGS indicate that much of the potential groundwater recharge in the Truckee Canyon is rejected to the surface system (Truckee River) and does not actually reach the groundwater reservoir. Therefore new groundwater appropriations will adversely affect existing downstream Truckee River water right holders which rely on the rejected groundwater to the river.

Therefore, the Truckee-Carson Irrigation District respectfully requests that the application be denied and that an order be entered for such relief as the State Engineer deems just and proper.¹

FINDINGS OF FACT

I.

The State Engineer has issued permits and certificates under which a total of 5,539 acre feet annually (AFA) of water have been

¹ File No. 61736, Official Records in the Office of the State Engineer.

appropriated from the underground waters within the Tracy Segment Groundwater Basin.² Of this quantity, 509 AFA of water have been appropriated for mining use, which is considered temporary in nature and will not have a permanent effect on the groundwater resource. The recharge to the groundwater in this basin is estimated to be 6,000 AFA.³ The State Engineer finds that there is additional water available for appropriation within the Tracy Segment Groundwater Basin.

II.

The Protestant asserts that potential recharge to the groundwater actually flows to the Truckee River and any new groundwater appropriation would capture water that would naturally flow to the Truckee River, resulting in a conflict with downstream water rights. To address these assertions, the Applicant's consultant conducted a hydrogeological investigation and summarized his findings in a report submitted to the State Engineer.⁴ The consultant showed that the groundwater gradient is such that the water would potentially flow away from the Truckee River toward the proposed well and not vice-versa.⁵

Despite the potential for flow from the Truckee River, the Applicant's consultant feels the source of water in the proposed

²Official Records in the Office of the State Engineer.

³Water Resources-Reconnaissance Series Report 57: A Brief Water-Resources Appraisal of the Truckee River Basin, Western Nevada, Prepared cooperatively by the USGS and the Nevada Division of Water Resources, 1973.

⁴Summary of Exploratory Drilling, Kaiser Aluminum Micromill, Storey County, Nevada, SEA, Incorporated, Consulting Engineers, March, 1996, File No. 61645, Official Records in the Office of the State Engineer.

⁵The water surface elevation of the Truckee River is approximately 4,265 feet above mean sea level (MSL) at this location. The elevation of the first groundwater surface encountered in the well is 4,242 feet above MSL, or 23 feet below the Truckee River surface.

well is not the Truckee River but instead is the drainage area located to the south of the site. The consultant based this assertion on the chemical quality of the well water, particularly the proportion of cations, which bears little resemblance to Truckee River water.⁶

The Applicant proposes to pump water from a well drilled to a depth of 595 feet, with screens placed within fractured volcanic bedrock, beginning at a depth of 125 feet. This would tend to isolate the well from the Truckee River.

After considering the above facts, the State Engineer finds that the pumping of groundwater as proposed under Application 61645 will have no impact on the flow of the Truckee River. The State Engineer further finds that the approval of Application 61645 will not conflict with existing water rights.

III.

The Application proposes to use the water for an aluminum processing plant that will employ 65 people.¹ Given the above findings that there is unappropriated water and that there is no conflict with existing rights, the State Engineer finds that the use of water as proposed under Application 61736 is in the public interest.

CONCLUSIONS

I.

The State Engineer has jurisdiction over the subject matter of this action.⁷

⁶The cationic portion of the well water is dominated by sodium (65%) and contains low calcium (20%). The Truckee River water has approximately equal amounts of sodium (35 to 40%) and calcium (38 to 44%).

⁷ NRS 533 and 534.

II.

The State Engineer is prohibited by law from granting an application to appropriate the public waters of Nevada where:⁸

- A. There is no unappropriated water at the proposed source;
- B. The proposed use conflicts with existing rights; or
- C. The proposed use threatens to prove detrimental to the public interest.

III.

The recharge to the Tracy Segment Groundwater Basin is 6,000 AFA and the quantity of water committed under permits and certificates issued by the State Engineer totals 5,539. The State Engineer concludes that there is unappropriated water available within this groundwater basin.

IV.

The pumping of groundwater as proposed under Application 61736 will have no impact on the flow of the Truckee River and on the downstream water rights. Therefore, the State Engineer concludes that the approval of Application 61736 will not conflict with any existing rights.

V.

The use of water for the proposed aluminum processing plant was found to be in the public interest. Considering that unappropriated water is available and that no conflict with existing rights will occur, the State Engineer concludes that the approval of Application 61736 will not prove detrimental to the public interest.

⁸ NRS 533.370.

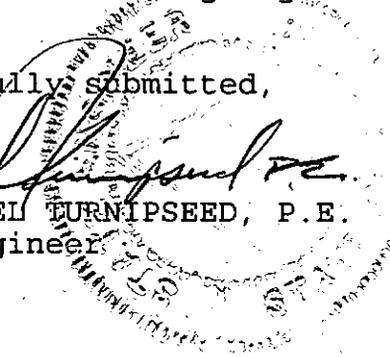
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RULING

The protest to Application 61736 is hereby overruled and said Application is hereby approved subject to existing rights and the payment of the statutory permit fees.

Respectfully submitted,


R. MICHAEL TURNIPSEED, P.E.
State Engineer



RMT/JCP/bk

Dated this 11th day of
June, 1996.