

IN THE MATTER OF APPLICATIONS 33852,)
33853, 33854 AND 33855 TO APPROPRIATE)
WATER FROM AN UNDERGROUND SOURCE IN)
CARSON DESERT, CHURCHILL COUNTY,)
NEVADA.)

R U L I N G

I N T R O D U C T I O N

Applications 33852, 33853, 33854 and 33855 were filed in the office of the State Engineer on September 28, 1977, to appropriate water from an underground source in Carson Desert, Churchill County, Nevada.

Timely protests to the granting of Applications 33852, 33853, 33854 and 33855 were filed in the office of the State Engineer.

A hearing before the State Engineer in the matter of Applications 33852, 33853, 33854 and 33855 was held January 12, 1978 in the Justice Courtroom of the Law Enforcement Facility, Fallon, Nevada. Due notice was given to the applicants and protestants. A transcript of the hearing is on file in the office of the State Engineer.

F I N D I N G S O F F A C T

Applications 33852, 33853, 33854 and 33855 were filed on September 28, 1977 by the State of Nevada, Department of Fish and Game to appropriate underground water for Fish, Wildlife and Recreation purposes.

Application 33852 is to appropriate 7.0 c.f.s. from a point of diversion within the NE1/4 SW1/4 Section 9, T.19N., R.31E., M.D.B.&M. The place of use is within portions of Sections 3, 4 and 9 of T.19N., R.31E., and portions of Sections 22, 23, 26, 27, 28, 33, 34 and 35 of T.20N., R.31E., M.D.B.&M.

Application 33853 is to appropriate 7.0 c.f.s. from a point of diversion located within the SW1/4 SE1/4 Section 33, T.20N., R.31E., M.D.B.&M. The place of use is within portions of Sections 4 and 9 of T.19N., R.31E., and portions of Sections 22, 23, 26, 27, 28, 33 and 34 of T.20N., R.31E., M.D.B.&M.

Application 33854 is to appropriate 7.0 c.f.s. from a point of diversion located within the SE1/4 NW1/4 Section 30, T.20N., R.32E., M.D.B.&M. The place of use is within portions of Sections 1, 12, 13, 24, 25 and 36 of T.20N., R.31E., and portions of Sections 5, 6, 7, 8, 17, 18, 19, 20 and 30 of T.20N., R.32E., M.D.B.&M.

Application 33855 is to appropriate 7.0 c.f.s. from a point of diversion located within the NE1/4 SW1/4 Section 20, T.20N., R.32E., M.D.B.&M. The place of use is the same as Application 33854. 1/

II

Timely protests to the granting of Application 33852 were filed in the office of the State Engineer by Bruce and Jamie Kent, Ira H. Kent, Silver Range Ranch, Ethel Wise, Avery B. de Braga, Dale and Dorothy Lawrence, Charles C. and Hazel C. Cook, Ted de Braga, Karl Weishaupt, Marvin A. Weishaupt, Lyle de Braga, Truckee-Carson Irrigation District, Henry D. Osgood, Churchill County, Kennametal Inc., and the City of Fallon.

Timely protests to the granting of Application 33853 were filed in the office of the State Engineer by Bruce and Jamie Kent, Ira H. Kent, Silver Range Ranch, Dale and Dorothy Lawrence, Marvin A. Weishaupt, Karl Weishaupt, Lyle de Braga, Truckee-Carson Irrigation District, Henry D. Osgood, Churchill County, Kennametal Inc., and the City of Fallon.

Timely protests to the granting of Application 33854 were filed in the office of the State Engineer by Silver Range Ranch, Marvin A. Weishaupt, Karl Weishaupt, Truckee-Carson Irrigation District, Churchill County, Kennametal Inc., and the City of Fallon.

Timely protests to the granting of Application 33855 were filed in the office of the State Engineer by Silver Range Ranch, Marvin A. Weishaupt, Karl Weishaupt, Truckee-Carson Irrigation District, Churchill County, Kennametal Inc., and the City of Fallon. 2/

III

The nearest permitted wells are approximately 1.5 miles distance from any of the proposed points of diversion. The City of Fallon, Kennametal, and 12th Naval District wells are approximately 14.0 miles distance from the nearest proposed point of diversion. 3/

IV

The nearest well with possible vested rights is approximately 1.0 to 1.5 miles distance from the nearest proposed point of diversion. 4/

V

The maximum pumpage from each well would be 2000 gallons per minute. 5/

VI

Nevada Department of Fish and Game requested at the hearing that Application 33854 be withdrawn. 6/

VII

Water will be pumped as needed to maintain a minimum wildlife area of approximately 1,200 acres when surface return water received from the Truckee-Carson Irrigation District falls below an amount to support the above acreage. 7/

VIII

The City of Fallon, 12th Naval District, and Kennametal have wells drawing water from a volcanic layer approximately 500 feet deep. 8/

IX

The volcanic layer dips to the south and east from the Fallon, Naval and Kennametal wells. 9/

X

The various stockwatering, domestic and other wells located near the community of Stillwater fall within the approximate center of what is known as the "Stillwater Thermal Area". 10/

XI

Applications 33852 and 33853 lie on the eastern margin of the "Stillwater Thermal Area".

Applications 33854 and 33855 lie three to four miles east of the eastern margin of the "Stillwater Thermal Area". 11/

XII

Within the Stillwater Thermal Area, "artesian pressure levels (confined potentiometric surfaces) in sand strata within 50 meters of the land surface are above the land surface, and the dominant potential gradient is upward. The lateral component of the gradient is northward, toward the Carson Sink". 12/

XIII

Temperatures of the various wells located near the community of Stillwater are approximately 108° to 110° F. 13/ Temperature of the well under Application 33852 was 86° F, under Application 33853 was 76° F and under Application 33855 was 79° F. 14/

XIV

The average total dissolved solids from the City of Fallon's Wells No. 1 and No. 2 is approximately 493 ppm. 15/

XV

The total dissolved solids from the 12th Naval District is approximately 580 ppm. 16/

XVI

The total dissolved solids from the well drilled under Application 33852 is approximately 5700 ppm. The total dissolved solids from the well drilled under Application 33853 is approximately 4500 ppm. 17/

By use of the modified Theis nonequilibrium formula draw downs were computed for a totally confined (artesian) condition and a situation wherein there is no confinement. Assumptions used in the calculation are; (1) Transmissivity is about 35,000 gpd/ft; (2) The coefficient of storage is 0.001 for the confined example and 0.1 for the water table example; and (3) One well was assumed to pump at 3,000 gpm. Computed draw downs in feet at various times and distances are given in the following table: 18/

Case 1 - Confined conditions

Distance from pumped well (feet)	Continuous pumping time (days)				
	10	100	365	1825	3650
10	136	159	171	187	194
100	91	113	126	142	149
1,000	46	68	81	97	104
5,000	14	37	49	65	72
10,000	1	23	36	52	58
15,000	-	15	28	44	50
20,000	-	10	22	38	45
65,000	-	-	-	15	22

Case 2 - Water-table Conditions

Distance from pumped well (feet)	Continuous pumping time (days)				
	10	100	365	1825	3650
10	91	113	126	142	149
100	46	68	81	97	104
1,000	1	23	36	52	58
5,000	-	-	4	20	27
10,000	-	-	-	6	13
15,000	-	-	-	-	5
20,000	-	-	-	-	-

CONCLUSIONS

I

The State Engineer has jurisdiction of the parties and the subject matter of this action. 19/

II

The State Engineer shall approve all applications made in proper form where all fees have been paid which contemplate the application of water to beneficial use, and where the proposed use or change does not tend to impair the value of existing rights, or to be otherwise detrimental to the public welfare. 20/

III

Nevada Revised Statutes, provides that it shall be an express condition of each appropriation of ground water that the right of the appropriator shall relate to a specified quantity of water and that such right must allow for a reasonable lowering of the static water level at the appropriator's point of diversion. 21/

IV

Nevada Revised Statutes also provide that: "Nothing herein shall be so construed as to prevent the granting of permits to applicants later in time on the ground that the diversions under such proposed later appropriations may cause the water level to be lowered at the point of diversion of a prior appropriator, so long as the rights of holders of existing appropriations can be satisfied under such express conditions. 22/

V

The applications do not lie within an area of concentrated underground water rights. 23/

VI

Information available to the State Engineer indicates the wells as drilled under application 33852, 33853 and 33855 do not tap the volcanic layer from which the City of Fallon, the 12th Naval District, and Kennametal draw their water. 24/

VII

No unreasonable effects should be seen in the wells around the community of Stillwater. 25/ Further, the information and data included in Tables under Paragraph XVII of Findings of Fact indicate that the proposed appropriations will not result in an unreasonable lowering of the water table.

VIII

The applications under consideration in this Ruling are distinguishable from other pending applications in the Carson Desert Ground Water Basin.

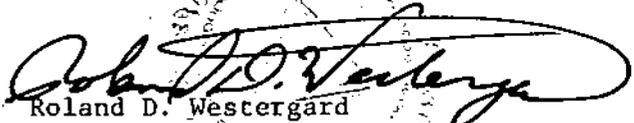
RULING

Application 33854 is withdrawn per the request of the Nevada State Department of Fish and Game.

The protests to the granting of Applications 33852, 33853 and 33855 are hereby overruled on the grounds that the granting will not impair the value of existing rights or be otherwise detrimental to the public welfare. Permits will be issued under Applications 33852, 33853 and 33855 upon receipt of the statutory permit fees. The permits will be issued subject to existing rights and subject to the following conditions:

1. The diversion rate for each permit shall be limited to 2000 gallons per minute (4.46 c.f.s.).
2. The combined place of use shall be limited to a total of 1200 acres.
3. The total combined duty of water shall not exceed 4800 acre-feet annually from any and/or all sources.
4. If the well is flowing, a valve must be installed and maintained to prevent waste.
5. Totalizing meters must be installed and maintained in the discharge pipe near each point of diversion and accurate measurements must be kept of water placed to beneficial use. The totalizing meters must be installed before any use of water begins, or before the Proof of Completion of Work is filed.
6. A water management plan must be submitted to the State Engineer for review at least 30 days prior to any pumpage of the wells.

Respectfully submitted,


Roland D. Westergard
State Engineer

RDW/bl

Dated this 5th day

of APRIL, 1978.

FOOTNOTES

1. Public records located within the Office of the State Engineer.
2. Public records located within the Office of the State Engineer.
3. Public records located within the Office of the State Engineer.
4. Reporter's transcript of proceedings had upon the hearing before Roland D. Westergard, State Engineer, held on January 12, 1978. (Hereafter referred to as Transcript.), pg. 50, lines 23 and 24.
5. Transcript, pg. 75, lines 1 through 5.
6. Transcript, pg. 25, lines 10 through 13.
7. Transcript, pg. 24, lines 10 and 11, pg. 69, lines 2 through 7.
8. Public Records located within the office of the State Engineer.
9. United States of America vs. Truckee-Carson Irrigation District et al, United States District Court for the District of Nevada, Civil No. R-2987, Exhibits No. A-72008 and A-72009.
10. "Preliminary Hydrogeologic Appraisal of Selected Hydrothermal Systems in Northern and Central Nevada" by F. H. Olmsted, P. A. Glancy, J. R. Harril, F. E. Rush and A. S. VanDenburgh, U. S. Geological Survey Open-File Report 75-56, 1975, pg. 87 through 98.
11. Same as footnote 10.
12. Same as footnote 10, pg. 87.
13. Transcript, pg. 45, lines 8, 9 and 10.
14. Public records located within the Office of the State Engineer.
15. "Project Report Interim Draft (Parts 3, 4, 5 and 6 only)" for the Churchill County Domestic Water System, Waterresource Consulting Engineers, May 1977, pg. 5-3.
16. Water Resources - Reconnaissance Series Report 59, Prepared cooperatively by the State of Nevada, Department of Conservation and Natural Resources, Division of Water Resources and the Geological Survey, U. S. Department of the Interior, 1975, pg. 72. (Location: 19/29-33cbb¹).
17. Transcript, pg. 22, line 10, pg. 23, line 4.
18. Letter dated March 10, 1978 from the United States Department of the Interior, Geological Survey signed by F. T. Hidaka.
19. NRS 533.025 and 533.030, subsection 1.

20. NRS 533.370, subsection 1.
21. NRS 534.110, subsection 4.
22. NRS 534.110, subsection 5.
23. Public records located within the Office of the State Engineer.
24. Public records located within the Office of the State Engineer.
25. Same as footnote 10.