

IN THE MATTER OF APPLICATION)
34716 FILED TO APPROPRIATE)
UNDERGROUND WATER IN THE) TRUCKEE-CARSON IRRIGATION
FERNLEY AREA; LYON COUNTY,)
NEVADA.)

Application 34716 was filed on December 8, 1977, by Anthony S. and Marjorie Albanese to appropriate 0.055 c.f.s. of underground water for commercial and domestic use. The water is to be used for four toilets for a bar and restaurant. The point of diversion and place of use are within the NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 13, T.20N., R.24E., M.D.M.

Application 34716 was protested on March 15, 1978 by the Truckee-Carson Irrigation District on the following grounds:

"1. That the waters herein sought to be appropriated have heretofore been appropriated for use for beneficial purposes within the Newlands Project.

"2. That 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. That 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. That said water herein sought to be appropriated from underground sources go to make up return flow which is used for irrigation of other lands."

The Fernley area was designated according to the provisions of NRS 534 on December 30, 1977.

The use of water proposed under Application 34716 is small and an upper limit to the appropriation will be 492,750 gallons annually.

The point of diversion under Application 34716 is over one-mile from the Truckee Canal which supplies water to the Truckee-Carson Irrigation District.

In the interest of the public welfare, the State Engineer is authorized and directed by NRS 534.120 to designate preferred uses of underground water in designated ground water basins.

RULING

The protest to Application 34716 is overruled and the manner of use as applied for is considered preferred. A permit will be issued upon receipt of the statutory permit fee.

Respectfully submitted,



Roland D. Westergard
State Engineer

RDW:JC:jw

Dated this 2nd day of

May, 1978.