

IN THE MATTER OF APPLICATIONS )  
33478 and 33479 FILED FOR THE )  
WATERS OF AN UNDERGROUND SOURCE )  
IN CARSON VALLEY, DOUGLAS COUNTY, )  
NEVADA )

R U L I N G

INTRODUCTION

Application 33478 was filed on September 6, 1977 by the Indian Hill General Improvement District to change the place of use of 0.25 c.f.s. of the waters of an underground source heretofore appropriated under Permit 28812 to be diverted within the SE $\frac{1}{4}$  NW $\frac{1}{4}$  Section 7, T.14N., R. 20E., M.D. B & M., and to be used for Quasi-Municipal purposes.

The proposed place of use is within SW $\frac{1}{4}$  SE $\frac{1}{4}$  Section 6, E $\frac{1}{2}$  NW $\frac{1}{4}$ , W $\frac{1}{2}$  NE $\frac{1}{4}$ , W $\frac{1}{2}$  SE $\frac{1}{4}$  Section 7, NW $\frac{1}{4}$ , NW $\frac{1}{4}$  SW $\frac{1}{4}$  Section 18, T.14N., R.20E.

The existing place of use is within the SW $\frac{1}{4}$  SE $\frac{1}{4}$  Section 6, SE $\frac{1}{4}$  NW $\frac{1}{4}$ , NW $\frac{1}{4}$  NE $\frac{1}{4}$  and apportion of the NE $\frac{1}{4}$  NW $\frac{1}{4}$  Section 7, T.14N., R.20E.

Application 33478 was protested on March 2, 1978 by Neoma E. Pecenka on the following grounds:

My husband and I were told on several occasions by parties concerned that this well was and will be used only as a back up well for the improvement district. It is directly behind our property and since it may effect our own private well in the future, we hope that the State will deny this application. They were supposed to use the two other wells for the subdivision use.

This application was also protested on March 3, 1978 by Bill Heinz on the following grounds:

I do not feel any diversions should be made until water studies are completed.

This application was also protested on March 13, 1978 by Ridgeview Estates, Inc. on the following grounds: Prior rights of Ridgeview Estates, Inc., operating under the Certificate of Public Necessity No. 809 ordered by the Public Service Commission of the State of Nevada and the following Permits to appropriate the waters of the State of Nevada; No. 25154; assigned No. 30330 for revival, and pending; No. 25206, No. 27180 and No. 26797 for diversion at source and use within the service area and boundaries as applied for by Applicants No. 33478 and 33479.

The Applicant has not performed nor provided Independent Qualified Engineering Certifications that the additional appropriation of waters within these boundaries will not deplete the source when considered with the permits No. 32708 and 32709 granted to the Applicant on 12/23/77, thereby causing serious water shortages, sanitation problems and Health hazards.

Application 33479 was filed on September 6, 1977 by Indian Hill General Improvement District to appropriate 0.5 c.f.s., of the waters of an underground source to be diverted within the SE $\frac{1}{4}$  NW $\frac{1}{4}$  Section 7, T.14N., R.20E., M.D.B. & M., and to be used for Quasi-Municipal purposes within the SW $\frac{1}{4}$  SE $\frac{1}{4}$  Section 6, E $\frac{1}{2}$  NW $\frac{1}{4}$ , W $\frac{1}{2}$  NE $\frac{1}{4}$ , W $\frac{1}{2}$  SE $\frac{1}{4}$  Section 7, NW $\frac{1}{4}$ , NW $\frac{1}{4}$  SW $\frac{1}{4}$  Section 18, T.14N., R.20E. It is propose to serve 1,000 homes.

This application was protested on March 2, 1978 by Neoma E. Pecenka on the following grounds:

My husband and I were told on several occasions by partys concerned that this well was and will be used only as a back up well for the improvement district. It is directly behind our property and since it may effect our own private well in the future, we hope the State will deny this application.

This application was also protested on March 3, 1978 by Nona Thomson on the following grounds:

I feel there shouldn't be anymore water allowed before a study is made to find out if it would endanger the existing wells.

This application was also protested on March 13, 1978 by Ridgeview Estates, Inc., on the following grounds:

Prior rights of Ridgeview Estates, Inc., Operating under the Certificate of Public Necessity No. 809 ordered by the Public Service Commission of the State of Nevada and the following Permits to Appropriate the Waters of the State of Nevada; No. 25154, assigned No. 30330 for revival and pending; No. 25206, No. 27180 and No. 26797 for diversion at source and use within the service area and boundries as applied for by Applicants No. 33478 and 33479.

The Applicant has not performed nor provided Independent Qualified Engineering Certifications that the additional appropriation of waters within thses boundries will not deplete the source when considered with the permits No. 32708 and 32709 granted to the Applicant on 12/23/77, thereby causing serious water shortages, sanitation problems and Health hazards.

A Hearing in the Matter of Applications filed by Indian Hill General Improvement District was held on December 19, 1977 in the Courtroom of the Douglas County Courthouse, Minden, Nevada. The Transcript of Proceedings is available in the Office of the State Engineer.

#### FINDINGS OF FACT

I

The points of diversion of Application 33478 and 33479 are for the same well as drilled under Permit 28812.1/

II

Permit 28812 filed in the names of Jack W. and Margaret I. Bay and Robert W. and Nellie S. Hass has been transferred by Grant Deed to Indian Hill General Improvement District.2/

III

The yield of the well drilled under Permit 28812 is approximately 40 gallons per minute.3/ The intent of Indian Hill General Improvement District is to use the well for back up purposes to the other wells of the District only.4/

CONCLUSIONS

The granting of Applications 33478 and 33479 will not tend to impair the value of existing rights nor be detrimental to the public welfare if pumping is restricted to that anticipated by the applicant.

RULING

The protests to the granting of Applications 33478 and 33479 are hereby overruled on the grounds that their granting will not tend to impair existing rights or be otherwise detrimental to the public welfare.

Permits will be granted subject to the following terms and conditions:

Application 33478 to change the place of use of Permit 28812 will be granted subject to the following provisions:

1. Diversion from the well will be reduced from 0.25 c.f.s. to 0.089 c.f.s., and no right will remain under Permit 28812.
2. Duty of water shall be limited to 21 million gallons annually.
3. A totalizing meter must be installed before any use of water begins.

Application 33479 to appropriate additional water from the same well as Application 33478 will be granted subject to the following provisions:

1. The combined total diversion from the well under Applications 33478 and 33479 shall be limited to 0.089 c.f.s. (40 gpm).
2. The total duty from all permits serving the Indian Hill General Improvement District shall be limited to 219.0 million gallons annually.
3. The permit is to be used for back-up or emergency service only.
4. A totalizing meter must be installed before any use of water begins.

Application 33479 will be granted upon receipt of the statutory permit fee.

Respectfully submitted,

  
Roland D. Westergard  
State Engineer

RDW:TJS:jv

Dated the 8th day  
of May, 1978.

FOOTNOTES

1. Public Records in the Office of The State Engineer
2. Transcript Pg. 65 Exhibit No. 17
3. Transcript Pg. 16
4. Transcript Pg. 16, 20, 31.