

IN THE MATTER OF APPLICATIONS 31376, )  
31377, 31380, 31381, 31660, 31807, 33474,) )  
33880, 35023, 35024, 35235, 35431, 35880,) )  
35881, AND 36175 FILED TO APPROPRIATE ) )  
THE WATERS OF AN UNDERGROUND SOURCE IN ) )  
CARSON VALLEY, DOUGLAS COUNTY, NEVADA ) )

R U L I N G

INTRODUCTION

105  
Applications 31376, 31377, 31380, 31381, 31660, 31807, 33474, 33880, 35023, 35024, 35235, 35431, 35880, 35881, and 36175 were filed to appropriate water from an underground source in the Carson Valley Ground Water Basin, Douglas County, Nevada.

In 1975 Water Resources Reconnaissance Series Report, 59 Water Resource Appraisal of the Carson River Basin, Western Nevada by Patrick A. Glancy and T. L. Katzer was prepared cooperatively by the Nevada Department of Conservation and Natural Resources, Division of Water Resources and the U. S. Department of the Interior, Geological Survey. This report is available from the Office of the State Engineer.

FINDINGS OF FACT

I

Application 31376 was filed by Norman C. Robison on April 25, 1977, to appropriate 2.7 c.f.s. of underground water for irrigation and domestic purposes. The point of diversion is within the SW 1/4 SE 1/4 Section 11, T.12N., R.21E., M.D.B. & M., and the place of use is 160 acres within the SE 1/4 said Section 11.

Application 31377 was filed by Jeanette V. Robison on April 25, 1977, to appropriate 2.7 c.f.s. of underground water for irrigation and domestic purposes. The point of diversion is within the SE 1/4 NE 1/4 Section 11, T.12N., R.21E., M.D.B. & M., and the place of use is 160 acres within the NE 1/4 Section 11, T.12N., R.21E., M.D.B. & M.

Application 31380 was filed by Walter A. Robison on April 26, 1977, to appropriate 2.7 c.f.s. of underground water for irrigation and domestic purposes. The point of diversion is within the SW 1/4 SW 1/4, Section 12, T.12N., R.21E., M.D.B. & M., and the place of use is 160 acres within the W 1/2 W 1/2 Section 12, T.12N., R.21E., M.D.B. & M.

Application 31381 was filed by Brent R. Howerton on April 26, 1977, to appropriate 2.7 c.f.s. of underground water for irrigation and domestic purposes. The point of diversion is within the SW 1/4 SE 1/4 Section 2, T.12N., R.21E., M.D.B. & M., and the place of use is 160 acres within the NW 1/4 SE 1/4, S 1/2 SE 1/4 Section 2, SW 1/4 SW 1/4 Section 1, T.12N., R.21E., M.D.B. & M.

Application 31660 was filed by Peter S. Bowie on May 12, 1977, to appropriate 1 c.f.s. of underground water for irrigation and domestic

purposes. The point of diversion is within the SE 1/4 SW 1/4 Section 13, T.12N., R.20E., M.D.B. & M., and the place of use is 40 acres within the SE 1/4 SW 1/4 said Section 13.

Application 31807 was filed by Robert Wayne Osborne and Frances Osborne on May 23, 1977, to appropriate 5.4 c.f.s. of underground water for irrigation and domestic purposes. The point of diversion is within the NE 1/4 NW 1/4 Section 13, T.12N., R.21E., M.D.B. & M., and the place of use is 320 acres within the NW 1/4 Section 13, E 1/2 W 1/2 Section 12, T.12N., R.21E., M.D.B. & M.

Application 33474 is owned by John M. and Marion H. Ward and was filed on September 2, 1977, to appropriate 1 c.f.s. of underground water for quasi-municipal purposes. The point of diversion is within the SW 1/4 SW 1/4 Section 27, T.14N., R.20E., M.D.B. & M., and the place of use is to serve 70 lots within the W 1/2 SW 1/4 Section 27, T.14N., R.20E., M.D.B. & M.

Application 33880 was filed by Bramwell Investment Company on September 30, 1977, to appropriate 1 c.f.s. of underground water for quasi-municipal purposes. The point of diversion is within the NE 1/4 NE 1/4 Section 34, T.14N., R.20E., M.D.B. & M., and the place of use is to serve 150 lots within the NE 1/4 said Section 34.

Applications 35023 and 35024 were filed by John M. and Marion H. Ward on February 23, 1978, each application to appropriate 1 c.f.s. of underground water for quasi-municipal purposes to supplement Application 33474. The points of diversion are within the NW 1/4 SW 1/4 Section 27, T.14N., R.20E., M.D.B. & M., and the place of use is within the W 1/2 SW 1/4 said Section 27.

Application 35235 was filed by Bramwell Investment Company on March 30, 1978, to change the point of diversion of 0.5 c.f.s. of underground water applied for under Application 35235. The point of diversion is within the SE 1/4 NE 1/4 Section 34, T.14N., R.20E., M.D.B. & M.

Application 35431 was filed by Robert A. and Margery A. Kimmerling on May 12, 1978, to appropriate 6 c.f.s. of underground water for irrigation and domestic purposes. The point of diversion is within the SW 1/4 NE 1/4 Section 20, T.12N., R.20E., M.D.B. & M., and the place of use is 636.5 acres within the SW 1/4 SW 1/4 Section 17, S 1/2 SE 1/4 Section 18, E 1/2 Section 19, W 1/2 W 1/2, SE 1/4 NW 1/4, NE 1/4 SW 1/4, SW 1/4 NE 1/4, NW 1/4 SE 1/4 Section 20, T.12N., R.20E., M.D.B. & M.

Applications 35880 and 35881 were filed by Cal-Vada Builders, Inc., and Benson Beauchamp, Inc., on September 13, 1978. Each application is to appropriate 1 c.f.s. of underground water for quasi-municipal purposes. The points of diversion are within the SE 1/4 SW 1/4 Section 24, T.12N., R.20E., M.D.B. & M., and the place of use is to serve 10 lots and a commercial complex within the S 1/2 SW 1/4 Section 24, T.12N., R.20E., M.D.B. & M.

Application 36175 was filed by Bell Toll Associates on November 16, 1978, to appropriate 0.25 c.f.s. of underground water for quasi-municipal purposes. The point of diversion is within the NW 1/4 NE 1/4 Section 25, T.12N., R.20E., M.D.B. & M., and the place of use is to serve 19 lots within the N 1/2 N 1/2 said Section 25. 1/

II

By an Order dated June 14, 1977, the State Engineer designated and described the Carson Valley Ground Water Basin under the provisions of NRS 534. 2/

III

It is estimated that the potential annual recharge to the ground water basin from precipitation is 25,000 acre-feet. The estimated annual sub-surface inflow to the ground water basin from California is approximately 7,000 acre-feet. The total annual recharge to the Carson Valley Ground Water Basin is, therefore, approximately 32,000 acre-feet per year. 3/ Any consumptive withdrawal in excess of the natural recharge will either deplete the ground water reservoir or cause additional surface water to percolate into the ground water reservoir.

IV

Existing certified and permitted ground water rights in the Carson Valley Ground Water Basin for irrigation and other purposes presently total over 40,000 acre-feet per year. 4/

V

A hearing in the matter of Applications 31376, 31377, 31380, 31381, and 31807 proposing to appropriate water from the Carson Valley Ground Water Basin for irrigation purposes was held by the State Engineer on March 27 and 28, 1978. A hearing in the matter of Applications 33474, 33880, 35023, and 35024 to appropriate underground water for quasi-municipal purposes was held on December 18, 1978. Many of the applicants were either present or represented at the hearings. Although much testimony was presented at the hearings, there was no substantial evidence presented that would indicate that there was sufficient ground water available to supply the proposed diversions without creating an unreasonable adverse effect on prior existing water rights or existing domestic wells. 5/

VI

The proposed points of diversion under Applications 33474, 33880, 35023, 35024, 35235, 35880, 35881, and 36175 are within concentrated well areas in the southern and northeastern parts of Carson Valley. These applications lie within a short distance of other permitted wells. There are large residential areas supplied by domestic wells in the

immediate vicinity of the proposed appropriations. These residential areas include many unoccupied lots upon which a domestic well may be drilled without a permit.

VII

Applications to appropriate underground water to irrigate additional land and applications for quasi-municipal use in areas with concentrated wells have been denied in Carson Valley. 6/

CONCLUSIONS

I

The State Engineer has jurisdiction of the parties and the subject matter of this action. 7/

II

The State Engineer is prohibited by law from granting a permit where:

- A. There is no unappropriated water at the proposed source, or
- B. The proposed use conflicts with existing rights, or
- C. The proposed use threatens to prove detrimental to the public welfare. 8/

III

If Applications 31376, 31377, 31380, 31381, 31660, 31807, and 35431 are granted, additional land would be irrigated or land that is irrigated only part time would be irrigated more intensively and frequently. This would result in additional consumptive use by farm land irrigation. The additional withdrawals and consumption would remove water from the ground water reservoir which:

- A. Would not be replaced resulting in depletion of the ground water reservoir, or
- B. Would be replaced by infiltrating surface water that would otherwise remain in or return to the stream system.

The additional withdrawal and consumption of underground water for irrigation would therefore conflict with existing rights and threaten to prove detrimental to the public welfare.

IV

The State Engineer is authorized and directed to designate preferred uses of water within designated ground water basins such as the Carson Valley Ground Water Basin. 9/ The consumptive use of additional ground water to irrigate additional land or to more intensively or frequently irrigate other land is not considered to be a preferred use of the limited water resources of the Carson Valley Ground Water Basin.

V

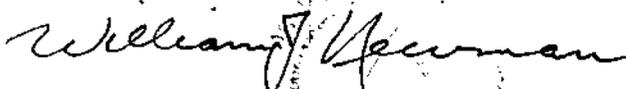
The granting of permits under Applications 33474, 33880, 35023, 35024, 35235, 35880, 35881, and 36175 in the concentrated domestic well areas and in the proximity of existing rights, would tend to impair the value of those existing rights and wells and threaten to prove detrimental to the public welfare. The potential exists for the additional development of unoccupied lots in these concentrated areas. Rapid urbanization of Carson Valley indicates that domestic wells will eventually be drilled on most of the existing unoccupied lots.

RULING

Applications 31376, 31377, 31380, 31381, 31660, 31807, and 35431 are denied on the grounds that the appropriation of underground water for irrigation in the designated area described would tend to impair the value of existing rights and be detrimental to the public interest and welfare.

Applications 33474, 33880, 35023, 35024, 35235, 35880, 35881, and 36175 are denied on the grounds that the appropriation of additional underground water for quasi-municipal use in the areas of concentrated wells would tend to impair the value of existing rights and be detrimental to the public interest and welfare.

Respectfully submitted,



William J. Newman  
State Engineer

WJN/JC/jm

Dated this 15th day  
of MARCH, 1979.

FOOTNOTES

1. Public records in the Office of the State Engineer.
2. Public records in the Office of the State Engineer.
3. Water Resources - Reconnaissance Series, Report 59, pp. 2, 51.
4. Public records in the Office of the State Engineer.
5. Transcripts of the Hearings in the Matter of Pending Applications to Appropriate Water in Carson Valley Ground Water Basin, March 27 and 28, 1978, and December 18, 1978.
6. Public records in the Office of the State Engineer. See denied Applications 28799, 28800, 28801, 28802, 29698, 30348, 30349, 30075, 30203, 30640, 30711, 30789, 30870, 31169, 31170, 31171, 31182, 31258, 31259, 31386, 31414, 31415, 31416, 31459, 31500, 31508, 31509, 31615, 31616, 31661, 31687, 31688, 31689, 31690, 31691, 31692, 31693, 31694, 31695, 31696, 31697, 31698, 31699, 31700, 31701, 31702, 31703, 31704, 31705, 31706, 31747, 31759, 31760, 31761, 31762, 31776, 31777, 31810, 31846, 31849, 32107, 32108, 32109, 32141, 32142, 32143, 32144, 32147, 32148, 32149, 32150, 32151, 32152, 32153, 32154, 32321, 32322, 32327, 32328, 32330, 32331, 32332, 32333, 32345, 32347, 32353, 32365, 32428, 32429, 32430, 32431, 32446, 32447, 32584, 32585, 32594, 32606, 32607, 32608, 32831, 32936, 32937, 32950, 32663, 33449, 33366, 34613, 34746, 35000.
7. NRS 533.025 and NRS 533.030, subsection 1.
8. NRS 533.370, subsection 4.
9. NRS 534.120, subsection 2.