

IN THE OFFICE OF THE STATE ENGINEER

IN THE MATTER OF APPLICATION 37726 )  
FILED TO CHANGE THE POINT OF )  
DIVERSION, MANNER OF USE AND PLACE )  
OF USE OF THE WATERS OF AN )  
UNDERGROUND SOURCE HERETOFORE )  
APPROPRIATED UNDER PERMIT 30873 IN )  
THE TRACY SEGMENT GROUND WATER )  
BASIN IN WASHOE, STOREY AND LYON )  
COUNTIES, NEVADA. )

RULING

GENERAL

Application 37726 was filed on April 6, 1979, by Curtiss-Wright Corporation to change the point of diversion, manner of use and place of use of 3.0 c.f.s. of water from an underground source heretofore appropriated under Permit 30873. The existing manner of use is for irrigation purposes and the proposed manner of use is for quasi-municipal purposes. The existing point of diversion is described as being within the SE1/4 SE1/4 Section 18, T.19N., R.23E., M.D.B.&M., and the proposed point of diversion is described as being within the NE1/4 SW1/4 Section 32, T.20N., R.22E., M.D.B.&M.<sup>1</sup>

Water Resources-Reconnaissance Series Report 57, 1973, "A Brief Water-Resources Appraisal of the Truckee River Basin, Western Nevada", by A.S. Van Denburgh, R.D. Lamke and J.L. Hughes, was prepared cooperatively by the Nevada Department of Conservation and Natural Resources, Division of Water Resources, and the Geological Survey, U.S. Department of the Interior.

FINDINGS OF FACT

I.

A hearing was held on July 1, 1977, regarding Applications 30815 through 30818, inclusive, in the name of West Coast Oil and Gas Corporation; 30873 through 30878, inclusive, in the name of Curtiss-Wright Corporation, and 30880 through 30883, inclusive, in the name of West Coast Oil and Gas Corporation.<sup>2</sup>

II.

A permit was issued under Application 30873 on August 9, 1977, subject to the terms and conditions of the State Engineer's ruling of July 1, 1977, which are summarized in the following:

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<sup>1</sup> Public record in the office of the State Engineer.

<sup>2</sup> Transcript of State Engineer's Hearing, West Coast Oil and Gas - Curtiss-Wright, July 1, 1977.

- A. The time set for filing proof of commencement of work was to be four months from July 1, 1977.
- B. The time set for filing proof of completion of work was to be July 1, 1978.
- C. The time set for filing proof of beneficial use was to be July 1, 1979.
- D. Any further extensions of time would be granted only due to extremely significant and extenuating circumstances.<sup>5</sup>

III.

Proof of commencement of work was filed on November 1, 1977. A field investigation was conducted on November 9, 1977, to verify the proof of commencement of work.<sup>4</sup>

IV.

On August 1, 1978, an application for extension of time for filing proof of completion of work was filed in the office of the State Engineer for a period of four months. This extension was granted until October 29, 1978, by letter dated August 8, 1978.<sup>4</sup>

V.

On October 27, 1978, an application for extension of time for filing proof of completion of work was filed in the office of the State Engineer requesting a period of six months. This extension was granted until April 29, 1979, by letter dated November 13, 1978.<sup>4</sup>

VI.

On April 30, 1979, an application for extension of time for filing proof of completion of work was filed in the office of the State Engineer requesting a period of one year. An extension was granted until October 1, 1979, to file both the proof of completion of work and the proof of beneficial use by letter dated May 16, 1979.<sup>4</sup>

VII.

On October 25, 1979, an application for extension of time for filing the proof of completion of work and proof of beneficial use was filed in the office of the State Engineer requesting a period of three months. One of the reasons given for requesting the extension of time was due to "the fact that a new pending application made by Curtiss-Wright and received by the State Engineer on April 6, 1979, to change the point of diversion and place of beneficial use (#37726) will not be ready for action by the State Engineer until December 15, 1979...." This extension was granted until January 1, 1980.<sup>4</sup>

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<sup>3</sup> Transcript of State Engineer's Hearing, West Coast Oil and Gas - Curtiss-Wright, July 1, 1977, pp. 184 and 185.

<sup>4</sup> Permit 30873, public record in the office of the State Engineer.

VIII.

The State Engineer designated the Tracy Segment Ground Water Basin on March 1, 1978, as a basin in need of additional administration under the provisions of NRS Chapter 534.<sup>5</sup>

IX.

The existing point of diversion is in an area described as younger alluvium and the proposed point of diversion is located within an area which could be either younger or older alluvium, but these alluvial areas are different in elevation and are separated by consolidated rocks which provide an effective hydrologic barrier.<sup>6</sup>

X.

The proposed point of diversion is within one mile of one junior priority right and one senior priority right.<sup>1</sup>

XI.

Permit 30873 was issued for agricultural purposes.<sup>7</sup>

CONCLUSIONS

I.

The State Engineer has jurisdiction over the parties and subject matter of this action.<sup>8</sup>

II.

The existing point of diversion and the proposed point of diversion are within different recharge elements of the ground water reservoir although they are both within the Tracy Segment Ground Water Basin.

III.

The granting of Application 37726 would in effect allow the change of a point of diversion from a source of ground water recharge to a different source of recharge.

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<sup>5</sup> State Engineer's Order 705, March 1, 1978.

<sup>6</sup> Water-Resources Reconnaissance Series Report #57, Plate 1.

<sup>7</sup> Transcript of State Engineer's Hearing, West Coast Oil and Gas - Curtiss-Wright, July 1, 1977, p. 186.

<sup>8</sup> NRS 533.025, NRS 533.030, and NRS 533.370.

IV.

The granting of Application 37726 would create a senior right among appropriators in a different source of water even though the actual beneficial use of water would be later in time.

V.

The proposed manner of use under Application 37726 is not for agricultural purposes.<sup>9</sup>

VI.

Permit 30873 was issued with the understanding that the applicant was committed to the use of the water for agricultural purposes and the proposed manner of use of Application 37726 seeks to negate this commitment.

VII.

The underground source of water that serves Permit 30873 includes components of recharge that are not available to all of the Tracy Segment Ground Water Basin, therefore, to allow the changes proposed under Application 37726 would place an additional burden on the limited ground water resource within the Tracy Segment Ground Water Basin near the Truckee River and would be detrimental to existing rights.

RULING

Application 37726 is hereby denied on the grounds that its granting would tend to interfere with existing rights and would not be in the public interest and welfare.

Respectfully submitted



Peter G. Morros  
State Engineer

PGM/KN/bl

Dated this 31st day of  
December, 1984.

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<sup>9</sup> Application 37726, public record in the office of the State Engineer.