

IN THE OFFICE OF THE STATE ENGINEER

IN THE MATTER OF APPLICATION 49004)
FILED TO APPROPRIATE THE PUBLIC)
WATERS OF AN UNNAMED DRY WASH IN)
CARSON VALLEY, DOUGLAS COUNTY,)
NEVADA.)

RULING

GENERAL

Application 49004 was filed on April 23, 1985, by Christoph J. Altemueller to appropriate 0.5 c.f.s. of tailwater from an unnamed ditch for irrigation purposes on 14 acres of land within the NW1/4 SE1/4, SW1/4 NE1/4, SE1/4 NW1/4 Section 4, T.12N., R.21E., M.D.B.&M. The point of diversion is described as being within the SE1/4 NW1/4 Section 4, T.12N., R.21E., M.D.B.&M.¹

Under Item 12 of the forementioned application, Mr. Altemueller explains that the water he is seeking is tailwater or "waste water" from irrigation of his lands under Permit 30404, Certificate 10556.

FINDINGS OF FACT

I.

The following water rights in the name of Christoph Altemueller for Section 4, T.12N., R.21E., M.D.B.&M., are of record in the office of the State Engineer.

Permit 27450 filed on May 2, 1973, was issued for 0.00125 c.f.s. of water from an underground source for stockwater and domestic purposes. The point of diversion is given as within the NE1/4 SW1/4 Section 4, T.12N., R.21E., M.D.B.&M., and the place of use is within the SE1/4 NW1/4, SW1/4 NE1/4, NE1/4 SW1/4, NW1/4 SE1/4 Section 4, T.12N., R.21E., M.D.B.&M.

Permit 30404, Certificate 10556, filed on July 19, 1976, was issued for 1.0 c.f.s. of water from an underground source for irrigation of 25 acres of land. The point of diversion is given as within the NW1/4 SE1/4 Section 4, T.12N., R.21E., M.D.B.&M., and the place of use is within the SE1/4 NW1/4, SW1/4 NE1/4, NW1/4 SE1/4, NE1/4 SW1/4 Section 4, T.12N., R.21E., M.D.B.&M.

II.

Application 49004 is a request for an appropriation of tailwater or "waste water" resulting from irrigation of 25 acres of land from an underground source authorized under Certificate 10556. The new appropriation is to be used to irrigate an additional 14 acres of land within the originally described place of use.¹

¹ Public record in the office of the State Engineer.

III.

Certificate 10556 was issued to irrigate a specific number of acres of land with a duty not to exceed 4 acre-feet of water per acre.² Any additional land application of the water, whether it is diverted from the well head or ditches, constitutes a new appropriation for irrigation purposes from an underground source.

IV.

By an order dated June 14, 1977, the State Engineer designated and described the Carson Valley Ground Water Basin under the provisions of NRS Chapter 534.¹

V.

It is estimated that the potential annual recharged 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 potential 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.

VI.

Existing certificated 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.¹

VII.

A public hearing in the matter of previous applications to appropriate water from the Carson Valley Ground Water Basin was held on March 27 and 28, 1978. Although extensive testimony was presented at the hearing, there was no substantial evidence presented that would indicate that there was sufficient ground water available to supply the proposed diversions without creating an adverse effect on prior existing water rights.⁴

² NRS 533.400, subsection 7.

³ Water Resources Reconnaissance Series Report 59, pp. 2 and 51.

⁴ Transcript of Hearing In the Matter of Pending Applications to Appropriate Water in Carson Valley Ground Water Basin, March 27 and 28, 1978.

VIII.

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.⁵

CONCLUSIONS

I.

The State Engineer has jurisdiction of the parties and the subject matter of this action.⁶

II.

The State Engineer is prohibited by law⁷ from granting a permit under an application to appropriate the public waters 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 interest.

III.

Application 49004 is a request to appropriate water for irrigation of 14 acres of additional land within the described place of use of Certificate 10556. The use of tail water or "waste water" under these circumstances still constitutes a new appropriation which would result in additional consumptive use by farm land irrigation. The additional withdrawal and consumption would remove water from the ground water reservoir which:

- A. Would not be replaced resulting in depletion of ground water in storage, or

⁵ Public record 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, 31376, 31377, 31380, 31381, 31386, 31414, 31415, 31416, 31459, 31500, 31508, 31509, 31615, 31616, 31660, 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, 31807, 31810, 31846, 31849, 32107, 32108, 32109, 32110, 32111, 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, 32663, 32831, 32910, 32936, 32937, 32950, 32663, 33366, 33449, 33474, 33880, 34053, 34613, 34746, 35000, 35023, 35024, 35235, 35431, 35660, 35880, 35881, 36175, 36403, 36465, 37113 and 37114.

⁶ NRS 533.325.

⁷ NRS 533.370(3).

- 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 interest.

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. 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.

RULING

Application 49004 is hereby denied on the grounds that the additional appropriation of underground water for irrigation, in the designated area described, would tend to impair the value of existing rights, would be detrimental to the public interest and welfare, and would not be a preferred use of the limited ground water resource in the Carson Valley Ground Water Basin.

Respectfully submitted,


PETER G. MORROS
State Engineer

PGM/GC/bl

Dated this 6th day of
December, 1985.