IN THE OFFICE OF THE STATE ENGINEER

IN THE MATTER OF APPLICATION 32616) FILED TO APPROPRIATE THE PUBLIC) WATERS OF AN UNDERGROUND SOURCE IN) CARSON DESERT, CHURCHILL COUNTY,) NEVADA.)

RULING

GENERAL

I.

Application 32616 was filed on June 30, 1977, by Ronald Edward Heinen to appropriate 2.7 c.f.s. of water from an underground source for irrigation and domestic purposes on 160 acres of land within Lots 1, 2 and 3 and the SE1/4 NW1/4 Section 2, T.19N., R.27E., M.D.B.&M. The point of diversion is described as being within the NW1/4 NE1/4 (Lot 2) Section 2, T.19N., R.27E., M.D.B.&M. Information on the application indicates that this application was filed to support a Carey Land Act segregation.[1]

II.

Water Resources-Reconnaissance Series Report 59, "Water-Resources Appraisal of the Carson River Basin, Western Nevada", was prepared in 1975 and is available from the office of the State Engineer.[2]

Open File Report 80-2042, "Geohydrology of the Basalt and Unconsolidated Sedimentary Aquifers in the Fallon Area, Churchill County, Nevada", was prepared in 1981 and a copy is available for review in the office of the State Engineer.[3]

III.

Application 32616 was timely protested on August 4, 1977, by the Truckee-Carson Irrigation District on the grounds:[1]

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

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[1] Public record in the office of the State Engineer.

[2] Water Resources-Reconnaissance Series Report 59, "Water-Resources Appraisal of the Carson River Basin, Western Nevada", by Patrick A. Glancy and T. L. Katzer, prepared cooperatively by the Nevada Department of Conservation and Natural Resources, Division of Water Resources, and Geological Survey, U.S. Department of the Interior, 1975.

[3] "Geohydrology of the Basalt and Unconsolidated Sedimentary Aquifers in the Fallon Area, Churchill County, Nevada", by Patrick A. Glancy, Open-File Report 80-2042, prepared cooperatively by Nevada Division of Water Resources and U. S. Department of the Interior, Geological Survey, 1981.

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 land 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 supply within the boundaries of the Truckee-Carson Irrigation District.

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

FINDINGS OF FACT

I.

On July 6, 1978, the State Engineer designated the Carson Desert Ground Water Basin as a basin in need of additional administration under the provisions NRS Chapter 534.[4]

II.

On October 4, 1978, the State Engineer issued Order 722 which provided, in part, that the irrigation of additional land using underground water is not a preferred use of the limited underground fresh water resource and that all applications filed after October 4, 1978, to appropriate underground water to irrigate additional land with the Carson Desert Ground Water Basin will be denied.[5]

III.

The estimated potential recharge to the ground water system is 1,300 acre-feet annually.[6] However, "An unknown, but probably small, part of that 1,300 acre-feet per year contributes to aquifers in the Fallon Area."[7] "Thus, for practical purposes, streamflows of the Carson River and Truckee Canal dominate the inflow to the ground water system in the Fallon area."[7]

IV.

The proposed point of diversion is approximately one mile from the "T" canal.

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[4] State Engineer's Order 716 dated July 6, 1978, public record in the office of the State Engineer.

[5] State Engineer's Order 722 dated October 4, 1978, public record in the office of the State Engineer.

[6] Page 48, Footnote 2.

[7] Page 10, Footnote 2.

V.

The perennial yield of a hydrologic system is the maximum amount of water of usable chemical quality that can be consumed economically each year for an indefinite period of time. If the perennial yield is continually exceeded, ground water levels will decline until the ground water reservoir is depleted of water of usable quality or until the pumping lifts become uneconomical to maintain. Perennial yield cannot exceed the natural replenishment to an area indefinitely, and ultimately is limited to the maximum amount of natural discharge that can be salvaged for beneficial use.[2]

VI.

Permitted and certificated water rights from underground sources existing within the Carson Desert Ground Water Basin total 7,000 acre-feet annually.[1]

CONCLUSIONS

I.

The State Engineer has jurisdiction of the parties and the subject matter of this action.[8]

II.

The State Engineer is prohibited by law[9] 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.

Existing water rights within the Carson Desert Ground Water Basin exceed the perennial yield of the basin. Hydrologic data and information available to the State Engineer, as set forth in the Findings, provide substantial evidence of the principal features of the aquifer system, including the recharge-discharge element zones of good quality water, are limited and the record of evidence indicates that overdraft on a continued basis will influence the migration of poor quality water into good quality zones. Based on this record of evidence, the State Engineer concludes that the granting of the subject application would adversely affect existing rights.

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[8] NRS 533.025 and NRS 533.030, subsection 1.

[9] NRS 533.370, subsection 3.

RULING

The protest to the granting of Application 32616 is herewith upheld and Application 32616 is denied on the grounds that the granting of said application would adversely affect existing rights and would be detrimental to the public welfare.

Respectfully submitted,

PETER G. MORROS
State Engineer

PGM/KN/bl

Dated this 6th day of January, 1986.