

IN THE OFFICE OF THE STATE ENGINEER

IN THE MATTER OF APPLICATIONS )  
48418, 48419, 48420 AND 48421 )  
FILED TO CHANGE THE PLACE OF )  
USE OF PERMITS 47592, 47593, )  
47597 AND 47598, RESPECTIVELY, )  
FOR IRRIGATION AND DOMESTIC )  
PURPOSES IN THE CARSON DESERT )  
AREA, CHURCHILL COUNTY, NEVADA )

RULING

GENERAL

I.

Application 48418 was filed on September 20, 1984, by Lahontan Farms/Peter Sidlow to change the place of use of 1.57 c.f.s. of water of an underground source for irrigation and domestic purposes heretofore appropriated under Permit 47592. Permit 47592 was granted on July 6, 1984, to change the point of diversion and place of use of 1.57 c.f.s., a portion of the water previously appropriated under Permit 46840. Permit 46840 was granted on November 21, 1983, to change the point of diversion and place of use of 1.87 c.f.s., a portion of water previously appropriated under Permit 35794. Permit 35794 was granted on February 20, 1979, to appropriate 2.7 c.f.s. of water from an underground source for irrigation and domestic purposes.

The existing place of use under Application 48418 is described as being within a portion of the NE $\frac{1}{4}$  Section 31, T.19N., R.27E., M.D.B.&M. (125 acres) and the proposed place of use is within Section 31, T.19N., R.27E., M.D.B.&M.<sup>1</sup>

II.

Application 48419 was filed on September 20, 1984, by Lahontan Farms/Peter Sidlow to change the place of use of 0.54 c.f.s. of water from an underground source for irrigation and domestic purposes heretofore appropriated under Permit 47593. Permit 47593 was granted on July 6, 1984, to change the point of diversion and place of use of 0.54 c.f.s. of water previously appropriated under Permit 46838. Permit 46838 was granted on November 21, 1983, to change the point of diversion and place of use of 0.54 c.f.s., a portion of water previously appropriated under Permit 40431. Permit 40431 was granted on December 9, 1980, to change the place of use of 5.4 c.f.s. of water previously appropriated under Permit 34879. Permit 34879 was granted on November 9, 1978, to appropriate 5.4 c.f.s. of water from an underground source for irrigation and domestic purposes.

<sup>1</sup> Applications 48418 through 48421, inclusive, are public record in the office of the State Engineer

The existing place of use under Application 48419 is described as being within a portion of the NE $\frac{1}{4}$  Section 31, T.19N., R.27E., M.D.B.&M. (125 acres) and the proposed place of use is within Section 31, T.19N., R.27E., M.D.B.&M.<sup>1</sup>

### III.

Application 48420 was filed on September 20, 1984, by Lahontan Farms/Peter Sidlow to change the place of use of 2.7 c.f.s. of water from an underground source for irrigation and domestic purposes heretofore appropriated under Permit 47597. Permit 47597 was granted on July 6, 1984, to change the place of use of 2.7 c.f.s. of water previously appropriated under Permit 34880. Permit 34880 was granted on November 9, 1978, to appropriate 2.7 c.f.s. of water from an underground source for irrigation and domestic purposes.

The existing place of use under Application 48420 is described as being within a portion of the S $\frac{1}{2}$  Section 31, T.19N., R.27E., M.D.B.&M. (427 acres) and the proposed place of use is within Section 31, T.19N., R.27E., M.D.B.&M.<sup>1</sup>

### IV.

Application 48421 was filed on September 20, 1984, by Lahontan Farms/Peter Sidlow to change the place of use of 0.83 c.f.s. of water from an underground source for irrigation and domestic purposes heretofore appropriated under Permit 47598. Permit 47598 was granted on July 6, 1984, to change the place of use of 0.83 c.f.s. of water previously appropriated under Permit 46953. Permit 46953 was granted on November 21, 1983, to change the point of diversion and place of use of 0.83 c.f.s., a portion of water previously appropriated under Permit 35794. Permit 35794 was granted on February 20, 1979, to appropriate 2.7 c.f.s. of water from an underground source for irrigation and domestic purposes.

The existing place of use under Application 48421 is described as being within a portion of the S $\frac{1}{2}$  Section 31, T.19N., R.27E., M.D.B.&M. (427 acres) and the proposed place of use is within Section 31, T.19N., R.27E., M.D.B.&M.<sup>1</sup>

### V.

Protests against each of the Applications 48418 thru 48421, inclusive, were timely filed on December 27, 1984, by the Truckee-Carson Irrigation District (hereinafter "TCID"). In each of the protests filed, protestant TCID prays the subject applications be issued subject to the following conditions:

Attachment A.

- "1. That the water herein sought to be appropriated not be supplied in part or whole by Carson or Truckee River surface waters that are diverted into Lahontan Reservoir and/or below-lying irrigation conveyance works.
2. That the waters herein sought to be appropriated, not have an adverse affect upon the surface water supply and upon shallow underground supply within the boundries of the Truckee Carson Irrigation District.
3. That the water herein sought, not adversely affect return flows from which below lying Truckee Carson Irrigation District project lands are supplied for irrigation."<sup>1</sup>  
(Emphasis added)

VI.

Water Resources Reconnaissance Series Report 59, "Water Resources Appraisal of the Carson River Basin, Western Nevada", by P. A. Glancy and T. L. Katzer was prepared cooperatively by the Nevada Department of Conservation and Natural Resources and the U.S. Department of the Interior Geological Survey in 1975.

VII.

Open File Report 80-2042, "Geohydrology of the Basaltic and Unconsolidated Sedimentary Aquifers in the Fallon Area, Churchill County, Nevada", was prepared cooperatively by the Nevada Department of Conservation and Natural Resources and the U.S. Department of the Interior Geological Survey in 1981.

The above reports are available for review in the office of the Nevada State Engineer.

FINDINGS OF FACT

I.

Applications 48418 through 48421, inclusive, each propose to change the place of use only of an existing permitted right to collectively irrigate through commingling a total of 552 acres located within portions of Section 31, T.19N., R.27E., M.D.B.&M.<sup>1</sup>

II.

In previous proceedings before the State Engineer protestant TCID withdrew the protests to the granting of Applications to Appropriate Water 34879 and 34880 at a public hearing held in the matter of numerous underground water filings in the Fernley/Carson Desert Areas on July 12, 1978.<sup>2</sup> The record reflects that protestant TCID withdrew the protests based on the understanding that all well permits in the subject area, if granted, would include conditions that no perforations would be allowed in the upper 100 feet of casing in each well. TCID represented that their main concern was that any leakage from their irrigation system to the shallow aquifer not be interfered with by pumpage from newly permitted wells.<sup>3</sup> Protestant TCID further represented that their concerns would be alleviated by the requirement that the first 100 feet in each well be solidly cased.<sup>4</sup>

III.

Applications 48418, 48419, 48420 and 48421 to change the place of use of existing permitted underground water appropriations do not represent any additional appropriation of water or changes in points of diversion. Information and public records in the office of the State Engineer establishes with reasonable certainty that the approval of the subject applications will not conflict with existing rights nor threaten to prove detrimental to the public interest when properly conditioned.

CONCLUSIONS

I.

The State Engineer has jurisdiction of the parties and the subject matter of this action and determination.<sup>5</sup>

II.

The State Engineer is prohibited by law from granting a permit to change the place of use of the public waters previously appropriated under an existing permit where:

<sup>2</sup> Transcript of proceedings before the Nevada State Engineer, dated July 12, 1978, page 20.

<sup>3</sup> id, Page 20.

<sup>4</sup> id, Page 20.

<sup>5</sup> NRS 533.025, 533.030 and 533.325

- A. The proposed change conflicts with existing rights,  
or
- B. The proposed change threatens to prove detrimental  
to the public interest.<sup>6</sup>

III.

The grounds of the protests have merit and must be upheld. Conditions of no perforations in the well casings of each well above 100 feet should preclude interference with surface water sources. Additionally, continued monitoring of ground water levels in the area will be maintained.

IV.

Applications 48418, 48419, 48420 and 48421 represent no additional appropriation of water. The subject applications propose to commingle and change the place of use of existing permitted underground water appropriations. The State Engineer concludes, therefore, the subject applications will not conflict with existing rights nor threaten to prove detrimental to the public interest with conditions set forth in Conclusion III.

RULING

The protests to Applications 48418, 48419, 48420 and 48421 are herewith upheld and Applications 48418, 48419, 48420 and 48421 to change the place of use of existing permitted underground water appropriations are herewith granted subject to the following conditions:

1. Subject to existing rights.
2. No perforations will be placed in the well casings above 100 feet from the surface.

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<sup>6</sup> NRS 533.370, subsection 3

3. Ground water level monitoring in cooperation with the State Engineer's office will continue.
4. Totalizing meters will be installed on all wells and pumpage records maintained and submitted to the State Engineer on an annual basis.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Peter G. Morros", written over a horizontal line.

Peter G. Morros  
State Engineer

PGM/TKG/bc

Dated this 8th day of  
APRIL, 1986.