

IN THE MATTER OF APPLICATIONS)
28799, 28800, 28801 AND 28802,)
FILED FOR THE WATERS OF AN)
UNDERGROUND SOURCE IN CARSON)
VALLEY, DOUGLAS COUNTY, NEVADA)

R U L I N G

GENERAL:

Applications 28799, 28800, 28801 and 28802 were filed on October 11, 1974 by Carson City to appropriate waters of an underground source. The amount of water applied for under each application is 6.0 c.f.s. and the water is to be used for municipal purposes. The four wells proposed under the applications would be located on the area known as the Bosc Ranch in Carson Valley, Douglas County, Nevada. The proposed place of use encompasses an area in Douglas County, north of the proposed well site, as well as the general urban area of Carson City.

Protests to all four of the applications were filed by Gardnerville Town Water Company; Douglas County, through its County Commissioners; Andre and Carol Aldax; Settelmeyer Ranches, Inc.; Carson Water Subconservancy District; Herbert P. Witt; Town of Minden; Minden-Gardnerville Sanitation District; the Department of the Interior, on behalf of its agencies. In addition, Application 28799 was protested by Susan and Martin Johnson; and Application 28801 was protested by James Rolph, III.

The specific contents of the subject applications and the protests thereto are incorporated in and made a part of this Ruling by reference.

After due notice to all the parties by letter dated April 8, 1975, a hearing in the matter of the applications and the protests thereto was held on Monday, April 28, 1975, in the Douglas County Court Room, Minden, Nevada. Extensive evidence, testimony, and arguments were presented at that hearing. A transcript of the proceedings is available in the Office of the State Engineer at 201 South Fall Street, Carson City, Nevada for review.

Subsequent to the hearing written statements were submitted by attorneys for the Department of the Interior and Settelmeyer Ranches, Inc. on May 12, 1975. Answers to these statements were filed by the attorney for Carson City on May 16, 1975.

Applications 28799 through 28802

Ruling

Page 2

The protests of Gardnerville Town Water Company; Carson Water Subconservancy District; Town of Minden, Minden-Gardnerville Sanitation District are overruled on the grounds that the bases for the protests are not valid.

The protests of Susan and Martin Johnson; Andre and Carol Aldax; Herbert P. Witt and James Rolph III are upheld.

That portion of the protest of Douglas County, through its County Commissioners pertaining to impairment of Douglas County water rights is upheld, but the other grounds of the protest are overruled.

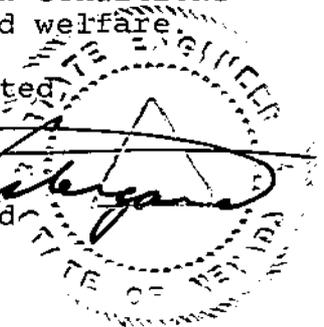
Those portions of protests filed by Settelmeyer Ranches, Inc. and the Department of the Interior on behalf of its agencies which apply to the protection of existing valid water rights are upheld.

RULING:

Applications 28799, 28800, 28801, and 28802 are denied on the grounds that the appropriation and use of the quantities of water applied for and requested from the area described in the applications would tend to impair the value of existing rights and further on the grounds that to allow the proposed appropriations under such conditions would be detrimental to the public interest and welfare.

Respectfully submitted,


Roland D. Westergard
State Engineer



Dated this 19th
day of May, 1975.