

IN THE MATTER OF APPLICATION 29906)
TO APPROPRIATE WATER FROM AN UNDER-))
GROUND SOURCE IN EAGLE VALLEY, CAR-))
SON CITY, NEVADA.))

R U L I N G

INTRODUCTION

Permit 23673, 27657, Application 29906 and 30441 are in the ownership of Carson City.

Permit 23673 is a certificated underground water right within the Eagle Valley Ground Water Basin. 5.0 c.f.s. of water is used for municipal and domestic purposes for the Carson City service area. The point of diversion is located within the NE1/4 SE1/4 Section 12, T.15N., R.19E., M.D.B. & M.

Application 29906 requests to change the point of diversion and place of use of 2.0 c.f.s., a portion of water heretofore appropriated under Permit 23673. The new point of diversion will be within the SE1/4 SE1/4 Section 1, T.15N., R.19E., M.D.B. & M, which is the same well as drilled under Permit 27657. The place of use will be an expanded service area within Carson City.

Permit 27657 was filed to appropriate 3.0 c.f.s. of water from an underground source within the NE1/4 NE1/4 Section 12, T.15N., R.19E., for municipal purposes within the Carson City service district. The well was physically drilled in the SE1/4 SE1/4 Section 1, T.15N., R.19E., M.D.B. & M.

Application 30441 requests to change the point of diversion of 3.0 c.f.s. of water heretofore appropriated under Permit 27657. The new point of diversion will be within the SE1/4 SE1/4 Section 1, T.15N., R.19E., M.D.B. & M., where physically the well was drilled.

FINDINGS OF FACT

I

Application 29906 was filed in the office of the State Engineer on January 13, 1976 to change the point of diversion and place of use of 2.0 c.f.s. of underground water, a portion of water heretofore appropriated under Permit 23673, Certificate 6472. The proposed point of diversion is within the SE1/4 SE1/4 Section 1, T.15N., R.19E., M.D.B. & M. The proposed place of use is the Carson City service area, where the water will be used for municipal purposes. 1/

II

A timely protest was filed in the office of the State Engineer on May 10, 1976 by Grant J. Weise. The protest requests Application 29906 be denied on the grounds that:

"The granting of additional rights would be detrimental to Permits 26497, 26494, 28281, 26493, 26496 and 27571. The total amount of water for this area has been appropriated and until beneficial use for all of the above mentioned wells has been completed, such additional allocations could only harm these rights.

Furthermore the original permit for the Carson City well, 27657, is subsequent to these permits and the original grant could be injurious to these same rights." 2/

III

The proposed point of diversion under Application 29906 is an existing well drilled under Permit 27657. 3/

IV

The well drilled under Permit 27657 is within the SE1/4 SE1/4 Section 1, T.15N., R.19E., M.D.B.& M. approximately 117 feet north of the point of diversion applied for under Permit 27657 which is within the NE1/4 NE1/4 Section 12, T.15N., R.19E., M.D.B.& M. 4/

V

Application 29906 changes an existing certificated water right, Permit 23673, within the Eagle Valley Groundwater Basin. 5/

VI

The proposed point of diversion and place of use under Application 29906 will remain within the Eagle Valley Groundwater Basin. 6/

VII

The proposed point of diversion of 29906 is approximately 3/4 of a mile north of the existing point of diversion under Permit 23673. 7/

VIII

The proposed point of diversion under Application 29906 is approximately 1/2 mile from the nearest permitted well indicated in the protest, and approximately 2 miles from the most distant. 8/

IX

The existing point of diversion under Permit 23673 is approximately 1 mile from the nearest permitted well indicated in the protest, and approximately 2-1/2 miles from the most distant. 9/

X

Two of the permitted wells indicated in the protest, 27571 and 26497, fall within the valley fill material of the Eagle Valley Ground-water Basin. Permit 27571 is very close to the edge of the valley fill.

The remainder of the wells indicated in the protest fall within the consolidated material of Eagle Valley. 10/

CONCLUSIONS

I

The State Engineer has jurisdiction of the parties and the subject matter of this action. 11/

II

Nevada Revised Statutes provide that the State Engineer shall approve all applications where the proposed change does not tend to impair the value of existing rights, or to be otherwise detrimental to the public welfare. 12/

III

The granting of a permit under Application 29906 would not result in additional ground water withdrawal from the Eagle Valley Ground Water Basin.

IV

Nevada Revised Statutes provide that it shall be an express condition of each appropriation of groundwater that such right must allow for a reasonable lowering of the static water level. 13/

RULING

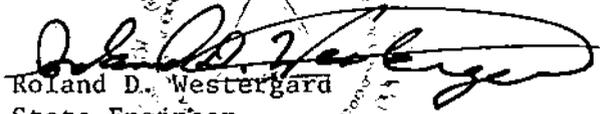
The protest to the granting of Application 29906 is overruled on the grounds that the granting of the application to change would not cause additional water to be withdrawn from the ground water basin nor adversely affect existing rights or otherwise be detrimental to the public welfare.

A permit will be issued under Application 29906 subject to the terms and conditions imposed in Permit 23673. This permit shall also be subject to the following conditions:

1.) A totalizing meter must be installed and maintained in the discharge pipeline, near the point of diversion, and accurate measurements must be kept of water placed to beneficial use. The totalizing meter must be installed before any use of water begins, or before the Proof of Completion of Work is filed.

2.) The total combined amount of water granted under this permit and Permit 30441 will be limited to what the well covered under the two permits is capable of producing, and if certificates are issued under this permit and Permit 30441, the total combined amount of appropriation granted in said certificates shall not exceed what the well covered under the two permits is capable of producing.

Respectfully submitted,


Roland D. Westergard
State Engineer

RDW/DMB/bl

Dated this 3rd day
of MARCH, 1978.

FOOTNOTES

1. through 9. Public records located in the Office of the State Engineer, Division of Water Resources, 201 South Fall Street, Carson City, Nevada 89710.
10. Water Resources - Reconnaissance Series Report 39 - 1966, Figure 4, prepared in cooperation with the Division of Water Resources, Department of Conservation and Natural Resources, and the U. S. Geological Survey.
11. NRS 533.025 and 533.030, Subsection 1.
12. NRS 533.370, Subsection 1.
13. NRS 534.110, Subsection 4.