

IN THE MATTER OF APPLICATIONS 33449)
AND 35000 FILED TO APPROPRIATE THE)
WATERS OF AN UNDERGROUND SOURCE IN)
CARSON VALLEY, DOUGLAS COUNTY, NEVA-)
DA.)

R U L I N G

INTRODUCTION

Applications 33449 and 35000 were filed in the Office of the State Engineer to appropriate water from an underground source for irrigation purposes in Carson Valley, Douglas County, Nevada.

In 1975, Water Resources - Reconnaissance Series Report 59, "Water Resources Appraisal of the Carson River Basin, Western Nevada" by Patrick A. Glancy and T. L. Katzer was prepared cooperatively by the Nevada Department of Conservation and Natural Resources, Division of Water Resources and the U. S. Department of the Interior, Geological Survey. This report is available from the office of the State Engineer.

FINDINGS OF FACT

Application 33449 was filed on August 31, 1977 by Wayne R. and Donna G. Witte to appropriate 0.25 c.f.s. of the waters of an underground source to be diverted within the NE1/4 NW1/4 Section 24, T.12N., R.20E., M.D.B.&M., and to be used for the irrigation of 2.0 acres within a portion of the NE1/4 NW1/4 Section 24, T.12N., R.20E., M.D.B.&M.

Application 35000 was filed on February 15, 1978 by John W. Drayton to appropriate 1.0 c.f.s. of the waters of an underground source to be diverted within the NW1/4 SE1/4 Section 31, T.14N., R.20E., M.D.B.&M., and to be used for the irrigation of 5.0 acres within the NW1/4 SE1/4 Section 31, T.14N., R.20E., M.D.B.&M. 1/

II

Applications 33449 and 35000 were filed to appropriate water from an underground source from the Carson Valley Ground Water Basin, Douglas County, Nevada. 2/

III

By an Order dated June 14, 1977, the State Engineer designated and described the Carson Valley Ground Water Basin as a ground water basin coming under the provisions of NRS 534. 3/

IV

It is estimated that the potential annual recharge 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 annual recharge to the Carson Valley Ground Water Basin is therefore approximately 32,000 acre-feet per year. 4/ 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.

Existing certificated and permitted ground water rights in the Carson Valley Ground Water Basin for non-supplemental irrigation and other purposes presently total approximately 39,000 acre-feet per year. In addition there are an estimated 9,000 acres of certificated irrigation rights and 6800 acres of permitted rights supplemental to surface water rights of prior ground water rights. 5/

VI

A hearing in the matter of pending applications proposing to divert water from the Carson Valley Ground Water Basin for irrigation purposes was held by the State Engineer on March 27 and 28, 1978. 6/

VII

Many of the applicants under the proposed appropriations were either present or represented at the hearing. Although much testimony was presented at the hearing, there was no substantial evidence presented that would indicate that there was sufficient ground water available to supply any of the proposed diversions without creating an adverse affect on prior existing rights. 7/

VIII

Should Applications 33449 and 35000 be granted and should subsequent development of ground water pursuant thereto detrimentally affect prior ground water rights or surface water rights, the State Engineer is required by law to order withdrawals be restricted to conform to priority rights. 8/

CONCLUSIONS:

I

The State Engineer has jurisdiction of the parties and the subject mater of this action. 9/

II

The State Engineer is prohibited by law from granting a permit 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 welfare. 10/

III

Existing water rights in the Carson Valley Ground Water Basin exceed the annual recharge from precipitation and underflow. To grant irrigation rights that consume additional water in this designated basin would adversely affect existing rights and threaten to prove detrimental to the public welfare.

IV

If Applications 33449 and 35000 are granted, additional land would be irrigated or land that is irrigated only part time would be irrigated more intensively and frequently. This would result in additional consumptive use by farm land irrigation. The additional withdrawals and consumption would remove water from the ground water reservoir which:

- A. Would not be replaced resulting in depletion of the ground water reservoir, or
- B. Would be replaced by infiltrating surface water that would otherwise remain in 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 welfare.

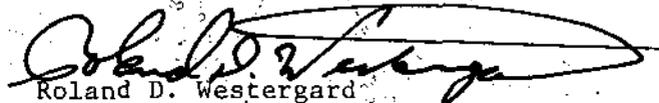
V

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. 11/ The consumptive use of additional ground water to irrigate additional land or to more intensively and 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

Applications 33449 and 35000 are herewith denied on the grounds that the appropriation of underground water for irrigation in the designated area described would tend to impair the value of existing rights and be detrimental to the public interest and welfare.

Respectfully submitted,


Roland D. Westergard
State Engineer

RDW/BLR/bl

Dated this 23rd day
of JUNE, 1978.

FOOTNOTES

1. Public Records in the Office of the State Engineer.
2. Public Records in the Office of the State Engineer.
3. Public Records in the Office of the State Engineer.
4. Water Resources - Reconnaissance Series, Report 59, pp. 2, 51.
5. Public Records in the Office of the State Engineer.
6. Public Records in the Office of the State Engineer.
7. Transcript of the Hearing in the Matter of Pending Applications to Appropriate water in Carson Valley Ground Water Basin, March 27 and 28, 1978.
8. NRS 534.110, subsections 3 and 6.
9. NRS 533.025 and NRS 533.030, subsection 1.
10. NRS 533.370, subsection 4.
11. NRS 534.120, subsection 2.