

IN THE OFFICE OF THE STATE ENGINEER

IN THE MATTER OF APPLICATION 36233)
FILED TO APPROPRIATE THE PUBLIC)
WATERS OF AN UNDERGROUND SOURCE)
WITHIN THE EAGLE VALLEY GROUND)
WATER BASIN, CARSON CITY, NEVADA.)

RULING

GENERAL

Application 36233 was filed on December 1, 1978, by Silver Sage Construction to appropriate 0.1 c.f.s. of water from an underground source for commercial and domestic purposes within the SE1/4 SW1/4 Section 31, T.15N., R.20E., M.D.B.&M. The point of diversion is described as being within the SE1/4 SW1/4 Section 31, T.15N., R.20E., M.D.B.&M. The application proposes to serve commercial buildings.¹

Application 36233 was timely protested by Carson City on February 26, 1979, on the following grounds:¹

"We feel this would further deplete the ground water in Eagle Valley Ground Water Basin (a closed Basin), infringing on all other ground water rights."

II.

In 1966, Water Resources-Reconnaissance Series Report 39, Hydrologic Appraisal of Eagle Valley, Ormsby County, Nevada, by G.F. Worts, Jr., and G.T. Malmberg, was prepared cooperatively by the Nevada Department of Conservation and Natural Resources and the U.S. Geological Survey. This report is available in the office of the State Engineer.

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 and the U.S. Geological Survey. This report is available in the office of the State Engineer.

In 1978, Open-File Report 79-261, Development of a Relation for Steady-State Pumping Rate for Eagle Valley Ground Water Basin, Nevada, by Freddy E. Arteaga and Timothy J. Durbin, was prepared cooperatively by the Nevada Department of Conservation and Natural Resources and the U.S. Geological Survey. This report is available in the office of the State Engineer.

In 1982, Open-File Report 80-1224, Mathematical Model Analysis of the Eagle Valley Ground Water Basin, West Central Nevada, by Freddy E. Arteaga, was prepared cooperatively by the Nevada Department of Conservation and Natural Resources and the U.S. Geological Survey. This report is available in the office of the State Engineer.

¹ Public record in the office of the State Engineer.

III.

By Order No. 424, dated February 23, 1972, the State Engineer designated and described the Eagle Valley Ground Water Basin as a critical ground water basin under the provisions of NRS Chapter 534.¹

FINDINGS OF FACT

I.

The mean annual water yield of Eagle Valley is approximately 9,000 acre-feet.² Of this yield, 7,800 acre-feet occurs as surface water and 1,200 acre-feet occurs as direct ground water recharge. The total ground water recharge, as a result of the residual of inflow to the system minus sewage discharge and consumptive use, is estimated at approximately 6,000 acre-feet annually for the period 1967-77. In addition, it is estimated that approximately 700 acre-feet annually enters the ground water system through irrigation of the city golf course for a total of 6,700 acre-feet of recharge annually.

II.

Existing certificated and permitted ground water rights in the Eagle Valley Ground Water Basin for all uses presently total approximately 9,000 acre-feet annually including the limit of 6,500 acre-feet annually under protestant Carson City's existing rights.¹

III.

Considerable testimony and evidence have been provided at public hearings before the State Engineer on the effect of additional development of new wells within the Eagle Valley Basin on existing rights.³ In addition to testimony by expert witnesses, hydrologic and computer model reports were introduced into evidence concerning the projected effects of withdrawals of ground water under 1978 pumping levels. The record establishes that present conditions in Eagle Valley are such that significant declining water tables exist due to withdrawal of ground water under existing rights. The State Engineer has recognized this and has taken administrative action to curtail further withdrawals to more closely balance with the presently identified resource available on a replenishment basis. The record further establishes that annual ground water pumpage for municipal use within Eagle Valley has increased 16-fold from 300 acre-feet in 1964 to about 4,700 acre-feet in 1978 and in excess of 5,400 acre-feet in 1982. Significant cones of depression have developed as a result of this pumpage. Adverse effects of declining water tables contribute to water quality degradation, storage depletion, diminishing yield of wells, increased economic pumping lifts, land subsidence and possible reversal of ground water gradients which could result in significant changes in the recharge-discharge relationship.

² USGS Open-File Report 79-261, USGS Open-File Report 80-1224.

³ Transcripts of the public hearings are available as public records in the office of the State Engineer.

Under 1978 pumping withdrawals, the water levels within the basin will ultimately decline in the western part of the valley by 350 feet and by 150 feet at the year 2000. These declines will significantly effect the existing rights of the protestant, Carson City, as well as other existing rights. It is also significant to note that the 1978 pumping withdrawals are presently being exceeded under existing rights. The fact is clear and supported by a preponderance of hydrologic and technical data and evidence that the granting of Application 36233 would adversely affect existing rights.

IV.

The State Engineer may deny applications to appropriate water from underground sources for any purpose in designated areas which can be served by an entity such as a water district or a municipality presently engaged in furnishing water to the inhabitants thereof.⁴

V.

In the interest of the public welfare, the State Engineer is authorized and directed to designate preferred uses of water within the respective areas so designated under the provisions of NRS Chapter 534 and from which the ground water is being depleted.⁵

CONCLUSIONS

I.

The State Engineer has jurisdiction of the parties and the subject matter of this action and determination.⁶

II.

The State Engineer is prohibited by law from granting a permit under an application to appropriate the public waters where:⁷

- 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.

⁴ NRS 534.120.

⁵ NRS 534.120(2).

⁶ NRS Chapters 533 and 534.

⁷ NRS 533.370(3).

III.

The combined annual withdrawal of water under permitted and certificated ground water rights held by Carson City within the Eagle Valley Designated Ground Water Basin is limited to 6,500 acre-feet by order of the State Engineer.⁸

IV.

Existing certificated and permitted ground water rights in the Eagle Valley Ground Water Basin for all uses presently total approximately 9,000 acre-feet annually, including the limit of 6,500 acre-feet annually under protestant Carson City's existing rights.⁸

V.

Existing certificated and permitted ground water rights within the Eagle Valley Designated Ground Water Basin exceed the estimates of ground water system yield available on a replenishable basis.⁸

VI.

The record clearly establishes that static ground water levels are declining significantly within the Eagle Valley Ground Water Basin due to present withdrawals and use.⁸

VII.

The State Engineer may declare preferred use of water within a designated ground water basin⁹ and has declared that irrigation is not a preferred use of water within the Eagle Valley Designated Ground Water Basin.¹⁰

VIII.

Applications to appropriate ground water for irrigation and other uses have been denied in the Eagle Valley Ground Water Basin.¹⁰

IX.

The granting of a permit under Application 36233 would adversely affect and impair existing rights held by the protestant as set forth in the Findings of Fact.

⁸ Public record in the office of the State Engineer.

⁹ NRS 534.120.

¹⁰ Public record in the office of the State Engineer under previous rulings denying applications to appropriate.

X.

The granting of a permit under Application 36233 in a ground water basin where existing rights exceed the ground water system yield available on a replenishable basis would be detrimental to the public interest and welfare.

RULING

The protest to the granting of Application 36233 is herewith upheld and Application 36233 is herewith denied on the grounds that the granting thereof would interfere with and adversely affect existing rights and be detrimental to the public interest and welfare.

Respectfully submitted



Peter G. Morros
State Engineer

PGM/DLW/bl

Dated this 30th day of

May, 1985.