

IN THE OFFICE OF THE STATE ENGINEER
OF THE STATE OF NEVADA

IN THE MATTER OF APPLICATION 36342)
TO APPROPRIATE UNDERGROUND WATER)
FROM THE CARSON DESERT GROUNDWATER)
BASIN, CHURCHILL COUNTY, NEVADA.)

RULING
#3864

GENERAL

I.

Application 36342 was filed on December 27, 1978, to appropriate 1.0 c.f.s. of underground water for the irrigation of 37.5 acres. The point of diversion and the place of use are described as being within the SW1/4 SW1/4, Section 31, T.19N., R.27E., M.D.B.&M. Churchill County, Nevada.

The applicants were Rae Dear, Marjorie Dear and Walter Dear as a partnership.¹

II.

U.S. Geological Survey Open-File Report 80-2042, "Geohydrology of the Basalt and Unconsolidated Sedimentary Aquifers in the Fallon Area, Churchill County, Nevada", by Patrick A. Glancy was prepared in cooperation with the Nevada Division of Water Resources and filed in 1981 at U.S.G.S. offices. A copy may be viewed at the office of the State Engineer.

FINDINGS OF FACT

I.

The State Engineer designated the Carson Desert Groundwater Basin as provided under NRS 534.010 to 534.190, inclusive, by Order 716 dated July 6, 1978.¹

II.

On October 4, 1978, the State Engineer issued Order 722 which stated in part, that the irrigation of additional land using underground water is not a preferred use of the limited

¹ Public record in the office of the State Engineer.

fresh water resource and that all applications filed after October 4, 1978, to appropriate underground water to irrigate additional land within the Carson Desert Groundwater Basin will be denied.¹

III.

By Ruling Number 2738 dated January 15, 1982 the State Engineer denied five applications to appropriate ground water for irrigation purposes. Applications 36226, 39585, 39586, 39587 and 39588 were located in the general vicinity of Application 36342.²

The acreage proposed to be irrigated under Application 36342 is not covered by any Truckee-Carson Irrigation District Water Right.¹ The SW1/4 SW1/4, Section 31, T.19N., R.27E., does in fact lie at a higher elevation than the nearest Truckee-Carson Irrigation District Canal.³

IV.

The owners of Application 36342, Rae Dear, Marjorie Dear and Walter Dear no longer own the SW1/4 SW1/4, Section 31 T.19N., R.27E. Documents obtained from the Churchill County Recorder's Office show that the Dear's obtained the property from Clarence H. Niebuhr on March 21, 1979 and transferred the property to James M. and A. Lorayn Beaver on June 18, 1979.⁴ No documents are on file in the office of the State Engineer updating title to Application 36342.¹

CONCLUSIONS

I.

The State Engineer has jurisdiction of the subject matter.

² Ruling #2738, Public record in the office of the State Engineer.

³ United States Geological Survey Topographic Map. Lahontan Dam, Nevada Quadrangle.

⁴ Document #163320 and Document #165411 from Churchill County Recorder's files. Copies in file 36342.

II.

The State Engineer is prohibited by law from granting a permit under an application to appropriate the public waters where:⁵

- A. There is no unappropriated water at the proposed source, or
- B. The proposed use or change will conflict with existing rights, or
- C. The proposed use or change will threaten to prove detrimental to the public interest.

III.

Applications similar in nature and purpose to Application 36342 have previously been denied by the State Engineer within the Carson Desert Groundwater Basin.

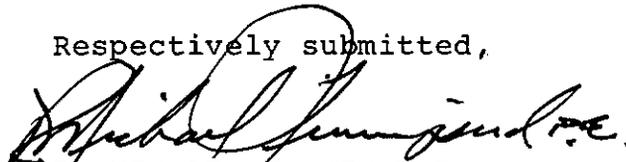
IV.

The State Engineer in Order No. 722 declared that irrigation of land from water from an underground source was not considered to be a preferred use and additional irrigation would threaten to impair the value of existing underground rights.

RULING

Application 36342 is hereby denied on the grounds that to grant a permit would adversely effect existing rights and prove detrimental to public interest.

Respectively submitted,


E. MICHAEL TURNIPSEED, P.E.
State Engineer

RMT/JSF/pm

Dated this 13th day of
January, 1991.

⁵ NRS Chapter 533.370(3).