

IN THE MATTER OF APPLICATION 26279)
FILED BY FRONTIER ENTERPRISES INC.)
TO APPROPRIATE UNDERGROUND WATERS)
OF AN UNDERGROUND SOURCE IN EAGLE)
VALLEY, CARSON CITY, NEVADA.)

R U L I N G

GENERAL:

Application 26279 was filed August 30, 1971 by Frontier Enterprises Incorporated. This application was filed to appropriate 1.0 c.f.s. of water from an underground source to irrigate 8.264 acres within the SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 32, T. 15 N., R. 20 E. The application indicates an annual use.

A complaint was filed in this office on August 18, 1971 by the residence of the Overland Acres area, which is in the vicinity of the point of diversion. A field investigation on August 19, 1971 was conducted to varify the existence of the well as outlined in the complaint. The field investigation confirmed the existence of the well at the location indicated.

On August 26, 1971, Mr. Dave Lippincott was called by this office to inform him that an application must be filed before beneficial use could be made of this well. On August 30, 1971, the application and supporting map were filed in this office.

Protests to the granting of this application were filed on October 11, 1971 by Rodney A. and Olive G. Anderbery; on October 21, 1971 by Wallace and Norma Jean Hesse; on October 19, 1971 by Durham T. Priestley; and on October 27, 1971 by James S. Crocker; and on November 29, 1971 by Carson City. A synopsis of the protests filed, with the exception of the Carson City protest, indicate a fear that this large withdrawal of groundwater would adversely affect the domestic wells in the vicinity of this point of diversion. A synopsis of the protest of Carson City is that the appropriation would adversely affect future needs of the municipalities water needs.

An informal hearing was conducted on March 9, 1972. Those present were:

Roland D. Westergard, State Engineer
William J. Newman, representing the Division
of Water Resources
Dick L. Williford, representing the Division
of Water Resources
Reese H. Taylor, representing Frontier Enter-
prises Inc.
Dave Lippincott, representing Frontier Enter-
prises Inc.
Vance Lippincott, representing Frontier Enter-
prises Inc.

Durham T. Priestley, representing himself
Clyde V. Enlow, representing Frontier
Enterprises Inc.
Wallace and Norma Jean Hesse, representing
themselves
James Crocker, representing himself
Mrs. C. W. Marcian, an interested party
Charles H. Smith, an interested party
Mrs. Bill Steve, an interested party
George Wood, an interested party
Ray D. Shaw, an interested party
Ralph M. Crow, representing the city of
Carson City

The hearing was convened at nine a.m. in the office of the State Engineer. Mr. Dave Lippincott gave an explanation of their intentions concerning the proposed appropriation. He indicated that they would like to irrigate the acreage to sustain a few head of cattle and horses. He indicated that they had a well previously in this area, and that it sanded up and a new one drilled. He indicated the use to be irrigation during the irrigation season, and stockwater during the winter months. He indicated the sprinklers would probably run about 16 hours a week during the irrigation season, and that it was not their intention to deprive any domestic well of water.

Mr. Crow questioned Mr. Dave Lippincott as to the location as to the proposed point of diversion. He indicated that it was near the Stewart Complex. Mr. Ralph M. Crow, representing the city of Carson, withdrew their protest.

Numerous questions were directed at Mr. Lippincott as to the amount of water he intended to use, which was the protestants major concern. He indicated that the 1.0 c.f.s. applied for on a continuous basis could not be put to beneficial use and that a smaller amount was all that was ever intended to be used.

Mr. Westergard, in turn, asked the protestants to voice their opinion. And primarily, it was concern over the amount of water to be appropriated.

Mr. Lippincott indicated that they were not going to pump more than they could use on their conglomerate vegetation.

Mr. Westergard asked the question, "It seems that the major question or issue here is really not so much as if they should be granted water, but how much." The protestants indicated that that was a fair statement.

Mr. Taylor indicated that they were willing to accept any reasonable limitation.

At this point, Mr. Westergard indicated the criteria for the appropriation of water, and that by statute any permit issued must allow for a reasonable lowering of the water table in or near the point of diversion. Mr. Westergard indicated to the people present that the maximum amount of water that could

be issued under this permit would be a little over 33 acre-feet per annum. At this point, there was considerable discussion on the conversion of acre-feet to gallons per minute and gallons per annum. Mr. Westergard indicated that the maximum would be four acre-feet per acre if this permit were allowed, and that the limit and extent of the right would be beneficial use. If the applicant only put 3 acre-feet per acre to a beneficial use, that would be the limit and extent of the right.

After a 10 minute recess, Mr. Taylor indicated that the Lippincotts would be more than happy to agree to the limitation of the acre-feet, and that they would agree to install a meter to make sure that this limit was not exceeded.

At this point, Mr. Westergard asked for concurrence on this matter from the protestants, and they did so concur.

Mr. Westergard indicated that Mr. Lippincott would be required to submit evidence of what was pumped, and that the State Engineer's office would periodically check those figures.

Mr. Westergard asked the protestants if they wished to withdraw their protests. It was not a request or even a suggestion, and that he would be in a position to rule on the matter. They indicated that the ruling would be in order.

Ruling

After considering what has been presented, and the evidence before us in the form of the application and protests thereto, and the withdrawal of the protest by the city of Carson, and the concurrence by the representatives or the other protestants present, it is our ruling that a permit will be issued as applied for, 1.0 c.f.s. This permit will be granted with an annual limitation of 33 acre-feet per year as a maximum duty, with the understanding that the total quantity finally allotted will be dependent upon that placed to beneficial use, and with the further requirement that a totalizing meter will be installed so that an accurate record of the amount of water diverted and used will be made of record.

Respectfully submitted,


Roland D. Westergard
State Engineer

RDW:DLW:gs

Dated this 22nd day
of March, 1972.