

IN THE MATTER OF APPLICATION 29698 )  
FILED BY THE GARDNERVILLE RANCHOS )  
GENERAL IMPROVEMENT DISTRICT TO )  
APPROPRIATE WATER FROM AN UNDER- )  
GROUND SOURCE IN DOUGLAS COUNTY, )  
NEVADA. )

RULING

Introduction

Application 29698 was filed in the Office of the State Engineer on October 9, 1975, to appropriate water from an underground source for quasi-municipal purposes in Carson Valley, Douglas County, Nevada.

A protest to the granting of Application 29698 was filed in the State Engineer's Office on December 23, 1975.

A field investigation was held in the matter of protested Application 29698 on February 24, 1977 and the report of field investigation is on file in the State Engineer's Office.

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 United States Department of the Interior, Geological Survey. This report is available in the office of the State Engineer.

Findings of Fact

Application 29698 was filed on October 9, 1975, by the Gardnerville Ranchos General Improvement District to appropriate 4.0 c.f.s. of water from an underground source for quasi-municipal purposes. The point of diversion is described as within the SW $\frac{1}{4}$  NW $\frac{1}{4}$  Section 23, T.12N., R.20E., M.D.M. The place of use is described in the application and is a matter of record in the Office of the State Engineer. 1/

II

The applicant states under Remarks of Application 29698 that:

"This water is to be co-mingled with waters from permit nos. 24286, 22787, 22932, 27975, 27472, 28689 and 29561 by a common transmission system to serve 3,000 recorded units." 2/

III

Application 29698 was protested on December 23, 1975 by Settlemyer Ranches, Inc., who prays that the application be denied on the following grounds:

"Protestant owns ranch lands served by a well adjacent to the source of water under Gardnerville Ranchos General Improvement District's application. If said application were granted, Protestant's existing water rights would be harmed and impaired in that there would be an unreasonable lowering of the water table, but not necessarily limited thereto." 3/

IV

A protest to the granting of Application 29698 was submitted on January 15, 1976 by the United States Fish and Wildlife Service on the grounds that the granting would substantially interfere with the protestant's well located approximately 880 feet from the applicant's proposed well. The protest was received after the last date for receiving protests and was, therefore, returned to the United States Fish and Wildlife Service by letter of January 16, 1976. 4/

V

The well under Permit 22942, Certificate 7779 in the name of the Settlemyer Ranches for irrigation (203.5 acres) purposes is a common well with the United States Fish and Wildlife Service under Permit 25180 for the operation and maintenance of a National Fish Hatchery. 5/

VI

The field investigation established that the proposed well site under Application 29698 is less than 100 feet from the west edge of the Carson River and that the site is less than 1000 feet from the Settlemyer and Hatchery well on the east side of the Carson River. 6/

VII

The Carson River stream system is presently in litigation in the case captioned "United States of America v. Alpine Land and Reservoir Company, et al." Civil No. D-183, presently pending before the United States District Court for the District of Nevada. 7/

VIII

There are approximately 25,000 acre-feet of potential annual recharge to the Nevada portion of the Carson Valley Ground Water Basin. 8/ Application 29698 requests permission to appropriate 4.0 c.f.s. of water from an underground source to total approximately 2,895 acre-feet per annum which is 11.6 per cent of the total Basin annual recharge. 9/ Withdrawal of that quantity of water applied for and requested by the applicant would create a substantial depression of the water table within a close proximity of existing water rights.

IX

The proposed point of diversion under Application 29698 is located in close proximity to the natural channel and bed of the Carson River, as it flows through the Carson Valley. 10/

X

Should Application 29698 be granted, and should subsequent development of ground water pursuant thereto detrimentally affect prior ground water rights, or surface rights as set forth in U.S.A. v. Alpine Land and Reservoir Co., supra, the State Engineer is required by law to order withdrawals be restricted to conform to priority rights. 11/

Conclusions

1. The State Engineer has jurisdiction of the party and the subject matter of this action. 12/
2. 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. 13/

The volume of water applied for and requested under Application 29698 from the ground water source in a localized area would tend to conflict with existing ground water rights.

Ruling

Application 29698 is herewith denied and the protest is upheld on the grounds that the appropriation of the water applied for and requested from the proposed point of diversion described in the application would tend to impair the value of existing rights.

Respectfully submitted,

  
Roland D. Westergard  
State Engineer

RDW:WJN:jw

Dated this 2nd day  
of August, 1977.

Footnotes

- 1/ Public records located in the Office of the State Engineer, Division of Water Resources, 201 South Fall Street, Carson City, Nevada 89710.
- 2/ Public records located in the Office of the State Engineer.
- 3/ Public records located in the Office of the State Engineer.
- 4/ Public records located in the Office of the State Engineer.
- 5/ Public records located in the Office of the State Engineer.
- 6/ Public records located in the Office of the State Engineer.
- 7/ Public records located in the Office of the State Engineer.
- 8/ Water Resources - Reconnaissance Series Report 59 - 1975, page 2, prepared in cooperation with the Division of Water Resources, Department of Conservation and Natural Resources and the U. S. Geological Survey.
- 9/ 1.0 c.f.s. = 1.983 acre-feet per day  
$$4.0 \text{ c.f.s.} \times 1.983 \frac{\text{AF}}{\text{day}} \times 365 \frac{\text{days}}{\text{year}} = 2,895 \text{ acre-feet per annum}$$
$$\frac{2895}{25,000} \times 100 = 11.6 \text{ per cent}$$
- 10/ Public records located within the Office of the State Engineer.
- 11/ NRS 534.110, subsections 3 and 6.
- 12/ NRS 533.025 and 533.030, subsection 1.
- 13/ NRS 533.370, subsection 4.