

IN THE MATTER OF APPLICATIONS 30075, )  
30203, 30640, 30711, 30789 AND 30870 )  
FILED TO APPROPRIATE THE WATERS OF )  
AN UNDERGROUND SOURCE IN CARSON )  
VALLEY, DOUGLAS COUNTY, NEVADA. )

R U L I N G

105

INTRODUCTION

Application 30075 was filed on March 11, 1976 by Jerome Keenan for permission to appropriate 2.7 c.f.s. of water from a well located in the SE $\frac{1}{4}$  SW $\frac{1}{4}$  Section 33, T.14N., R.20E. The water is to be used for irrigation and domestic purposes on 160 acres of land in the SW $\frac{1}{4}$  of said Section 33.

Application 30203 was filed on April 30, 1976 by Jerome Keenan for permission to appropriate 2.7 c.f.s. of water from a well located in the SW $\frac{1}{4}$  NW $\frac{1}{4}$  Section 28, T.14N., R.20E. The water is to be used for irrigation and domestic purposes on 160 acres of land within the NW $\frac{1}{4}$  of said Section 28.

Application 30640 was filed on September 16, 1976 by Jerome Keenan for permission to appropriate 2.7 c.f.s. of water from a well located within the SW $\frac{1}{4}$  NE $\frac{1}{4}$  Section 29, T.14N., R.20E. The water is to be used for irrigation and domestic purposes on 160 acres of land within the NE $\frac{1}{4}$  of said Section 29.

Application 30711 was filed on October 1, 1976 by Terry Brown for permission to appropriate 2.7 c.f.s. of water from a well located in the SW $\frac{1}{4}$  SE $\frac{1}{4}$  Section 29, T.14N., R.20E. The water is to be used for irrigation and domestic purposes on 160 acres of land within the SE $\frac{1}{4}$  of said Section 29.

Application 30789 was filed on October 29, 1976 by Fred Rockholm for permission to appropriate 2.7 c.f.s. of water from a well located in the SW $\frac{1}{4}$  NE $\frac{1}{4}$  Section 32, T.14N., R.20E. The water is to be used for irrigation and domestic purposes on 160 acres of land within the NE $\frac{1}{4}$  of said Section 32.

Application 30870 was filed on December 1, 1976 by Al Krug for permission to appropriate 2.7 c.f.s. of water from a well located within the SW $\frac{1}{4}$  SE $\frac{1}{4}$  Section 32, T.14N., R.20E. The water is to be used for irrigation and domestic purposes on 160 acres of land in the SE $\frac{1}{4}$  of said Section 32.

All of the above numbered applications have been transferred to the name of Paul Unruh.

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

#### I

Applications 30640, 30711, 30789 and 30870 were protested by H. F. Dangberg Land and Livestock Company. The grounds of the protest were that the protestant is the owner of the land to which the applications are appurtenant and that the applicant has no rights therein or thereto. The protestant prayed that the application be denied.

Applications 30789 and 30870 were protested by William Johnson and Edward M. Johnson. The grounds of the protest were that the issuance of permits under the applications would deplete the underground water supplies and threaten existing irrigation and domestic wells.

Applications 30789 and 30870 were protested by Susan and Martin Johnson. The grounds of the protest are that: "In recent years with more wells being drilled and pumped we noticed a marked decrease in the amount of water from our well. Application 30789 and also Application No. 30870 are both within a mile of our well and if said applications are granted, pumping would drastically affect our well as well as an artesian well on our property located closer to said wells, which is used for drinking water for livestock. As we have stated on previous protests, the underground water supply in this area is not inexhaustible." The protestants prayed that the applications be denied. 1 /

#### II

Applications Nos. 30075, 30203, 30640, 30711, 30789 and 30870 were filed to appropriate water from an underground source in 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 under the provisions of NRS 534. 3 /

IV

The proposed points of diversion under Applications 30075, 30203, 30640, 30711, 30789 and 30870 are within a concentrated area on the eastern side of Carson Valley. The applications lie within a short distance of several irrigation wells lying directly to the west and south of the proposed appropriations. There is a large residential area supplied by domestic wells lying directly to the east of the proposed appropriations. 4 /

V

Should Applications 30075, 30203, 30640, 30711, 30789 and 30870 be granted, development of the permits could result in pumpage of an additional 3800 acre-feet per year from this concentrated area.

VI

Should Applications 30075, 30203, 30640, 30711, 30789 and 30870 be granted, and subsequent development of ground water pursuant thereto detrimentally affect prior existing water rights, the State Engineer is required by law to order withdrawals be restricted to conform to priority rights. 5 /

CONCLUSIONS

I

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

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. 7 /

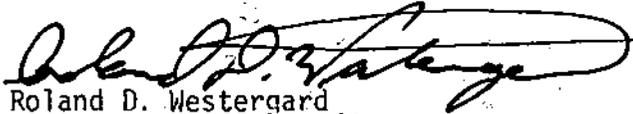
III

The granting of permits under Applications 30075, 30203, 30640, 30711, 30789 and 30870 for the amount of water and the use applied for in this concentrated area and in the proximity of existing rights, would tend to impair the value of those existing rights and threaten to prove detrimental to the public welfare.

RULING

Applications 30075, 30203, 30640, 30711, 30789 and 30870 are herewith denied on the grounds that the appropriation of additional underground water for irrigation in the concentrated 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/dc

Dated this \_\_\_\_\_ day

of \_\_\_\_\_ 1977.

#### 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. Public records in the Office of the State Engineer.
5. NRS 534.110, subsections 3 and 6.
6. NRS 533.025 and 533.030, subsection 1.
7. NRS 533.370, subsection 4.