

IN THE MATTER OF APPLICATION 30823)
TO APPROPRIATE WATER FROM AN UNDER-)
GROUND SOURCE IN PARADISE VALLEY,)
HUMBOLDT COUNTY, NEVADA.)

R U L I N G

FINDINGS OF FACT

Application 30823 was filed on November 16, 1976 in the name of Wayne F. McNeil to appropriate 1.0 c.f.s. of water from an underground source located within the NW $\frac{1}{4}$, NE $\frac{1}{4}$ of Section 11, T. 41N., R. 39E., M.D. B. & M., for quasi-municipal service within the same 40-acre legal subdivision as the proposed point of diversion.

II

A timely protest to the granting of Application 30823 was filed on February 2, 1977 in the name of David J. Cassinelli which seeks denial of the application on the grounds that "Said application will be detrimental to existing rights and vested rights of the Protestants and their successors and would derogate the existing rights and vested rights of the Protestants to underground waters and surface waters in the area of the proposed use."

III

The water table level of the well under Application 30823 was measured during a field investigation to be 21.1 feet below the ground level at the time the well was drilled. Application 30823 became ready for action by the State Engineer's Office on March 3, 1977. A field investigation into the matter of protested Application 30823 was conducted at 10:00 a.m. on Wednesday, August 31, 1977 by representatives of the State Engineer's Office. The report of that field investigation is of record in the State Engineer's Office (Field Investigation Report No. 639) and is made a part of this Ruling by reference.

IV

The proposed point of diversion under Application 30823 is an existing well which was drilled in August, 1967 under Permit 23629 (Driller's Well Log #9684 filed in the State Engineer's Office). Permit 23629 was issued on June 19, 1967, also in the name of Wayne F. McNeil, for 1.0 c.f.s. of water for irrigation and domestic use on the same 40 acres on which the well is located. This permit was subsequently cancelled on February 25, 1972 for failure to submit the required Proof of Beneficial Use and Cultural Map.

V

The proposed point of diversion under Application 30823 is located approximately 2500 feet from the point of diversion of the nearest ground water permit, that being Permit 18048 located within the NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 11, T.41N., R.39E., M.D.B. & M. The protestant, David J. Cassinelli, has three permitted ground water rights in the vicinity of the point of diversion under Application 30823, those being Permit 29813 located within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 1 (approximately 4500 feet northeast of Application 30823), Permit 19623 within the SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 2 (approximately 4700 feet northwest of Application 30823), and Permit 30935 within the NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 3 (approximately 4700 feet northwest of Application 30823), all within T.41N., R.39E., M.D.B. & M.

VI

The applicant has confirmed that in accordance with the original application filed under Application 30823, the water is to be used for quasi-municipal service to 62 individual single family residential lots.

VII

The static water level in the well under Application 30823 was measured during the field investigation to be 41.1 feet below the ground level. The static water level at the time the well was drilled, as indicated by the well driller's log, was 28 feet below ground level, which indicates a drop of 13.1 feet in the static water level since the well was originally drilled.

CONCLUSIONS

1. The State Engineer has jurisdiction of the parties and the subject matter of this action in accordance with NRS 533.025 and NRS 533.030, subsection 1.
2. A consumptive rate of 62,000 gallons per day and 22.63 million gallons per year, based upon a daily consumptive rate of 1,000 gallons per day per residential unit, is considered by the State Engineer to be adequate for quasi-municipal water service to 62 residences as described under Application 30823.

3. A diversion rate of 1.0 c.f.s. is considered by the State Engineer to be reasonable for the quasi-municipal service proposed under Application 30823.

4. The distances between the well under Application 30823 and those other ground water permits in the immediate vicinity of this well, as previously described under Section V of the Findings of Fact of this Ruling, are considered adequate to prevent any undue interference with those other existing rights.

5. In accordance with NRS 533.370, subsection 1, the State Engineer shall approve all applications where the proposed use does not tend to impair the value of other existing rights or be otherwise detrimental to the public welfare.

RULING

The protest to the granting of Application 30823 is herewith overruled on the grounds that the granting of a permit will not tend to impair the value of other existing rights nor be otherwise detrimental to the public welfare. Upon receipt of the statutory permit fee, a permit will be granted under Application 30823, subject to existing rights, in the amount of 1.0 c.f.s. not to exceed 22.63 million gallons per annum and with the provision that a totalizing meter must be installed and maintained and accurate measurements must be kept of water placed to beneficial use.

Respectfully submitted,


Roland D. Westergard
State Engineer

RDW/BAR/dc

Dated this 22nd day of December, 1977.