

IN THE MATTER OF APPLICATION 34715 TO CHANGE THE POINT OF DIVERSION OF WATER HERETOFORE APPROPRIATED FROM AN UNDERGROUND SOURCE IN CARSON DESERT, CHURCHILL COUNTY, NEVADA

R U L I N G

necessary for the uses of the Nevada A. Project for the irrigation of land and the acquisition of additional pasture lands within said project.

FINDINGS OF FACT

I

Application 34715 was filed on December 8, 1977 by the State of Nevada, Department of Fish and Game to change the point of diversion necessary for the uses of the Nevada A. Project for the irrigation of 7.0 c.f.s., of water heretofore appropriated under Permit 33852. of land and the acquisition of additional pasture lands within Water is to be diverted from a point located within the SE 1/4 SW 1/4 said project

Section 9, T.19N., R.31E., M.D.B. & M. The place of use is within portions of Sections 3, 4 and 9 of T.19N., R.31E., and portions of Sections 22, 23, 26, 27, 28, 33, 34 and 35 of T.20N., R.31E., M.D.B. & M. surface water supply and upon the shallow underground water supply Water is to be used for fish, wildlife, and recreation purposes. 1/4 of the boundaries of the Truckee-Carson Irrigation District.

II

Timely protests to the granting of Application 34715 were filed in the office of the State Engineer on February 6, 1978 by Kennemetal, Inc., and on March 15, 1978 by the Truckee-Carson Irrigation District.

III

Kennemetal, Inc., requests Application 34715 be denied on the grounds that: exceed 3229 acre feet per year. Water is to be used for fish, wildlife, and recreation purposes within portions of sections 3, 4 and 9 of T.19N., R.31E., and portions of Sections 22, 23, 26, 27, 28, 33, 34 and 35 of T.20N., R.31E., M.D.B. & M. trial site ten miles north of Fallon and since the above mentioned diversion is near the proposed diversion of the State of Nevada, Department of Fish and Game that an appropriation of 33852, 33853, 33854 and 33855 was made January 12, 1978 in the Justice Courtrooms of the Law Enforcement Facility, Fallon, Nevada. 4/ could result in the decrease in quantity or quality of both of Kennemetal's appropriation."

The Truckee-Carson Irrigation District requests Application 34715 be denied on the grounds that:

"1. That the waters herein sought to be appropriated are necessary for the uses of the Newlands Project for the irrigation of land and the acquisition of additional pasture lands within said project.

2. That the waters herein sought to be appropriated are necessary for the uses of the Newlands Project for the irrigation of land and the acquisition of additional pasture lands within said project.

3. That said waters herein sought to be appropriated would, if allowed to be appropriated, have an adverse effect upon the surface water supply and upon the shallow underground water supply within the boundaries of the Truckee-Carson Irrigation District.

4. That said water herein sought to be appropriated from underground sources go to make up return flow which is used for irrigation of other lands." 2/

### III

Permit 33852 was issued on June 7, 1978 for 4.46 c.f.s., not to exceed 3229 acre-feet per year. Water is to be used for fish, wildlife, and recreation purposes within portions of Sections 3, 4 and 9 of T.19N., R.31E., and portions of Sections 22, 23, 26, 27, 28, 33, 34 and 35 of T.20N., R.31E., M.D.B. & M. 3/

### IV

A hearing before the State Engineer in the matter of Application 33852, 33853, 33854 and 33855 was held January 12, 1978 in the Justice Courtroom of the Law Enforcement Facility, Fallon, Nevada. 4/

The proposed point of diversion under Application 34715 is approximately 320 feet south of the point of diversion granted under Permit

33852. 5/

#### CONCLUSIONS

##### I

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

##### II

The State Engineer shall approve all applications made in proper form where all fees have been paid which contemplate the application of water to beneficial use, and where the proposed use or change does not tend to impair the value of existing rights, or prove to be otherwise detrimental to the public welfare. 7/

##### III

Sufficient information was gathered at the hearing on January 12, 1978 to indicate the value of existing rights would not be impaired, or otherwise prove to be detrimental to the public welfare. 8/

##### IV

No additional water would be appropriated above that granted under Permit 33852, therefore the proposed change would not impair existing rights or otherwise prove to be detrimental to the public welfare.

#### RULING

The protests to the granting of Application 34715 are hereby overruled on the grounds that the granting will not impair the value of existing rights or prove to be detrimental to the public welfare. A permit will be issued under Application 34715 subject to the terms of Permit 33852 and subject to the following conditions.

1. The diversion rate shall be limited to 2000 gallons per minute (4.46 c.f.s.).
2. The combined place of use of this permit and Permits 33853 and 33855 shall be limited to a total of 1200 acres.
3. The total combined duty of water under this permit and Permits 33853 and 33855 shall not exceed 4800 acre-feet annually.
4. If the well is flowing, a valve must be installed and maintained to prevent waste.
5. A totalizing meter must be installed and maintained in the discharge pipe near the point of diversion and accurate measurements must be kept of water placed to beneficial use. The totalizing meter must be installed before any use of water begins, or before the Proof of Completion of Work is filed.
6. A water management plan must be submitted to the State Engineer for review at least 30 days prior to any pumpage of the well.

Respectfully submitted,

  
Roland D. Westergard  
State Engineer

RDW/PGM/jv

Dated this 19th day  
of June, 1978.

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. Public Records in the Office of the State Engineer.
6. NRS 533.025 and 533.030, subsection 1.
7. NRS 533.070, subsection 1.
8. Public Records in the Office of the State Engineer; State Engineer's Ruling #2330, dated April 5, 1978.