

IN THE MATTER OF APPLICATIONS 31503,)
31504, 31505, 31823, 33124, 33125,)
33126, AND 33357.)

R U L I N G

INTRODUCTION

Applications 31503, 31504, 31505, 31823, 33124, 33125, and 33357 were filed in the Office of the State Engineer to appropriate water from an underground source for irrigation purposes in Truckee Meadows, Washoe County, Nevada. Application 33126 was filed in the Office of the State Engineer to appropriate water from an underground source for stock watering purposes in Truckee Meadows, Washoe County, Nevada.

In 1973, Water Resources - Reconnaissance Series Report 57, "A Brief Water - Resources Appraisal of the Truckee River Basin, Western Nevada", by A. S. Van Denburgh, R. D. Lamke and J. L. Hughes 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

Application 31503 was filed on May 6, 1977 by Theodora Peigh to appropriate 3.4 c.f.s. of the waters of an underground source to be diverted within the SE1/4 NW1/4 Section 29, T.18N., R.20E., M.D.B.&M., and to be used for irrigation of 200 acres within portions of the N1/2 NW1/4, SE1/4 NW1/4, NE1/4, Section 29, T.18N., R.20E., M.D.B.&M.

Application 31504 was filed on May 6, 1977 by Theodora Peigh to appropriate 3.4 c.f.s. of the waters of an underground source to be diverted within the SE1/4 NW1/4 Section 29, T.18N., R.20E., M.D.B.&M., and to be used for irrigation of 200 acres within portions of the N1/2 NW1/4, SE1/4 NW1/4, NE1/4, Section 29, T.18N., R.20E., M.D.B.&M.

Application 31505 was filed on May 6, 1977 by A. J. Flagg to appropriate 2.3 c.f.s. of the waters of an underground source to be diverted within the SW1/4 SW1/4 Section 8, T.18N., R.20E., M.D.B.&M., and to be used for irrigation of 97 acres within portions of the NE1/4 SE1/4, SE1/4 SE1/4 Section 7, portions of the NW1/4 SW1/4, SW1/4 SW1/4, SE1/4 SW1/4 Section 8, portions of the NW1/4 NW1/4, NE1/4 NW1/4, NW1/4 NE1/4 Section 17, T.18N., R.20E., M.D.B.&M.

Application 31823 was filed on May 24, 1977 by Gordon L. and Nancy M. Nitz to appropriate 1.0 c.f.s. of the waters of an underground source to be diverted within the NW1/4 NW1/4 Section 13, T.18N., R.19E., M.D.B.&M., and to be used for irrigation of 3.15 acres within portions of the NW1/4 NW1/4, NE1/4 NW1/4 Section 13, T.18N., R.19E., M.D.B.&M.

Application 33124 was filed on August 11, 1977 by John A. Shields, M.D. and Beverlee G. Shields to appropriate 2.0 c.f.s. of the waters of an underground source to be diverted within the NW1/4 NW1/4 Section 18, T.18N., R.20E., M.D.B.&M., and to be used for irrigation of 5 acres within a portion of the NW1/4 NW1/4 of Section 18, T.18N., R.20E., M.D.B.&M. The point of diversion is the same for Applications 33124 and 33126.

Application 33125 was filed on August 11, 1977 by John A. Shields, M.D. and Beverlee G. Shields to appropriate 2.0 c.f.s. of the waters of an underground source to be diverted within the NW1/4 NW1/4 Section 18, T.18N., R.20E., M.D.B.&M., and to be used for the irrigation of 5 acres within a portion of the NW1/4 NW1/4, Section 18, T.18N., R.20E., M.D.B.&M.

Application 33126 was filed on August 11, 1977 by John A. Shields, M.D. and Beverlee G. Shields to appropriate .000156 c.f.s. of the waters of an underground source to be diverted within the NW1/4 NW1/4 Section 18, T.18N., R.20E., M.D.B.&M., and to be used for watering of 5 horses within a portion of the NW1/4 NW1/4 Section 18, T.18N., R.20E., M.D.B.&M. The point of diversion is the same for Applications 33124 and 33126.

Application 33357 was filed on August 26, 1977 by Jean S. Carter to appropriate 0.2 c.f.s. of the waters of an underground source to be diverted within the NE1/4 SE1/4 Section 13, T.18N., R.19E., M.D.B.&M., and to be used for irrigation of 8 acres within a portion of the NE1/4 SE1/4 Section 13, T.18N., R.19E., M.D.B.&M. 1/

II

Applications 31503, 31504, 31505, 31823, 33124, 33125, 33126 and 33357 were filed to appropriate water from an underground source from the Truckee Meadows Ground Water Basin, Washoe County, Nevada. 2/

III

By an order dated March 4, 1978, the State Engineer designated and described the Truckee Meadows Ground Water Basin as a ground water basin coming under the provisions of NRS 534. 3/

IV

It is estimated that the potential annual recharge to the ground water basin from precipitation is 27,000 acre-feet. The estimated annual sub-surface inflow of ground water is less than 500 acre-feet. 4/ The safe perennial yield of the Truckee Meadows Ground Water Basin is considerably less than 27,000 acre-feet and has been estimated to be in the order of 12,000 acre-feet per year. Any consumptive withdrawal in excess of the natural recharge will either deplete the ground water reservoir or cause additional surface water to percolate into the ground water reservoir. Withdrawals in excess of the safe perennial yield will adversely affect the resource and existing rights.

V

Existing certificated and permitted ground water rights in the Truckee Meadows Ground Water Basin for municipal, wildlife, commercial, irrigation and other purposes now exceed estimates of safe perennial yield and natural recharge. 5/

VI

A hearing in the matter of pending applications proposing to divert water from the Truckee Meadows Ground Water Basin for irrigation and stock watering purposes (Note: proposed point of diversion is the same well for Applications 33124 and 33126) was held by the State Engineer on May 24, 1978. 6/

VII

Should Applications 31503, 31504, 31505, 31823, 33124, 33125, 33126 and 33357 be granted and should subsequent development affect prior ground water rights or surface water rights, the State Engineer is required by law to order withdrawals be restricted to conform to priority rights. 7/

CONCLUSIONS

I

The State Engineer has jurisdiction of the parties and the subject matter of this action. 8/

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. 9/

III

Almost all of the applicants under the proposed appropriations were either present or represented at the hearing. There was no substantial evidence presented, at the hearing and in the additional 10 day period granted by the State Engineer, that would indicate that there was sufficient ground water available to supply any of the proposed diversions without creating an adverse effect upon prior existing rights. 10/

IV

Existing water rights for ground water in the Truckee Meadows Ground Water Basin exceed the annual recharge from precipitation and underflow. To grant irrigation and stock watering rights that consume additional water in this designated basin would adversely affect existing rights and threaten to prove detrimental to the public welfare.

V

If Applications 31503, 31504, 31505, 31823, 33124, 33125 and 33357 are granted, additional land would be irrigated or land that is irrigated only part time would be irrigated more intensively and frequently. This would result in additional consumptive use by farm land irrigation. The additional withdrawals and consumption would remove water from the ground water reservoir which:

A. Would not be replaced resulting in depletion of the ground water reservoir, or

B. Would be replaced by infiltrating surface water that would otherwise remain in or return to the stream system.

The additional withdrawal and consumption of underground water for irrigation would therefore conflict with existing rights and threaten to prove detrimental to the public welfare.

VI

The State Engineer is authorized and directed to designate preferred uses of water within designated ground water basins such as the Truckee Meadows Ground Water Basin. 11/ The consumptive use of additional ground water to irrigate additional land or to more intensively and frequently irrigate other land is not considered to be a preferred use of the limited water resources of the Truckee Meadows Ground Water Basin; watering of livestock is not considered to be a preferred use.

RULING

Applications 31503, 31504, 31505, 31823, 33124, 33125, 33126 and 33357 are herewith denied on the grounds that the appropriation of additional underground water for irrigation or stock watering in the designated area described would tend to impair the value of existing rights and be detrimental to the public welfare.

Respectfully submitted,


Roland D. Westergard
State Engineer

RDW/VRH/bl

Dated this 6th day

of JULY, 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. Water Resources - Reconnaissance Series, Report 57, pp. 38, 44, 55.
5. Public records in the office of the State Engineer.
6. Public records in the office of the State Engineer.
7. NRS 534.110, subsections 3 and 6.
8. NRS 533.025 and NRS 533.030, subsection 1.
9. NRS 533.370, subsection 4.
10. Transcript of the Hearing in the Matter of Pending Applications to Appropriate Water in Truckee Meadows Ground Water Basin, May 24, 1978.
11. NRS 534.120, subsection 2.