

IN THE MATTER OF APPLICATIONS 30338, )  
30840, 31185, 31186, 31187, 31268, )  
31717, 31724, 31958, 33191, 33490, )  
34721, 35021 FILED TO APPROPRIATE )  
WATER FROM AN UNDERGROUND SOURCE IN )  
CARSON DESERT, CHURCHILL COUNTY, NEVADA)

R U L I N G

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Application 30338 was filed on June 18, 1976, by John and Betty Kieber to appropriate 4.0 c.f.s., of underground water to irrigate 160 acres. The point of diversion is within the NE1/4 NW1/4, Section 16, T.18N., R.28E., M.D.M., and the place of use is within the NW1/4 of said Section 16. A field investigation was made on September 30, 1976.

Application 30840 was filed on November 23, 1976 by C.E. Odom to appropriate 4.01 c.f.s., of underground water to irrigate 80 acres. The point of diversion is within the SE1/4 NW1/4, Section 21, T.18N., R.28E., M.D.M., and the place of use is within the E1/2 NW1/4 of said Section 21.

Application 31185 was filed on March 15, 1977 by Howard L. and Ragnhild P. Cunningham to appropriate 2.0 c.f.s., of underground water to irrigate 60 acres. The point of diversion is within the NE1/4 SW1/4 Section 8, T.19N., R.27E., M.D.M., and the place of use is within the N1/2 SW1/4 of said Section 8.

Application 31186 was filed on March 15, 1977 by Fallon Bench Farms to appropriate 2.0 c.f.s., of underground water to irrigate 100 acres. The point of diversion is within the NE1/4 NE1/4 of Section 18, T.19N., R.27E., M.D.M., and the place of use is within the S1/2 SE1/4 Section 7, NE1/4 NE1/4 Section 18, T.19N., R.27E., M.D.M.

Application 31187 was filed on March 15, 1977 by Fallon Bench Farms to appropriate 2.0 c.f.s., of underground water to irrigate 40 acres. The point of diversion is within the SE1/4 SE1/4 Section 6, T.19N., R.27E., M.D.M., and the place of use is within the E1/2 SE1/4 of said Section 6.

Application 31268 was filed on April 1, 1977 by Robert and Molly Smith to appropriate 4.0 c.f.s., of underground water to irrigate 240 acres. The point of diversion is within the SE1/4 NW1/4 Section 34, T.18N., R.28E., M.D.M., and the place of use is within the SE1/4 NW1/4, NE1/4 SW1/4, S1/2 NE1/4, SE1/4 of said Section 34.

Application 31717 was filed on May 16, 1977 by Claude Hampton, Jr., to appropriate 2.0 c.f.s., of underground water to irrigate 80 acres. The point of diversion is within the NW1/4 SW1/4 Section 1, T.18N., R.29E., M.D.M., and the place of use is within the NW1/4 SW1/4, SW1/4 NW1/4 of said Section 1.

Application 31724 was filed on May 16, 1977 by Claude Hampton to appropriate 1.0 c.f.s., of underground water to irrigate 60 acres. The point of diversion is within the SE1/4 NW1/4 Section 1, T.18N., R.29E., M.D.M., and the place of use is within the SE1/4 NW1/4, W1/2 SW1/4 NE1/4 of said Section 1.

Application 31958 was filed on June 6, 1977 by Dolores J. Andreas to appropriate 3.0 c.f.s., of underground water to irrigate 160 acres. The point of diversion is within the NE1/4 SW1/4 Section 1, T.18N., R.29E., and the place of use is within the E1/2 SW1/2, SE1/4 of said Section 1.

Application 33191 was filed on August 17, 1977 by Preston F. Kyle dba Casa-De-Mar Golf Course and Restaurant to appropriate 1.7 c.f.s., of underground water to irrigate 80 acres. The point of diversion is within the SE1/4 NW1/4 Section 26, T.19N., R.28E., M.D.M., and the place of use is within the E1/2 NW1/4, SW1/4 NW1/4, N1/2 SW1/4 of said Section 26.

Application 33490 was filed on September 7, 1977 by Rodney D. and Beverly Jo Brooks to appropriate 2.7 c.f.s., of underground water to irrigate 112 acres. The point of diversion is within the SW1/4 NE1/4 Section 21, T.19N., R.28E., M.D.M., and the place of use is within the S1/2 NE1/4, NE1/4 SE1/4 Section 21, NW1/4 SW1/4 Section 22, T.19N., R.28E., M.D.M.

Application 34721 was filed on December 9, 1977 by Arthur R. and Joyce Lohr to appropriate 3.5 c.f.s., of underground water to irrigate 232.64 acres. The point of diversion is within the SE1/4 NW1/4 Section 18, T.19N., R.30E., M.D.M., and the place of use is within Lots 2,3,4, SE1/4 NW1/4, E1/2 SW1/4 of said Section 18.

Application 35021 was filed on February 23, 1978 by Edward P. Workman to appropriate 1.7 c.f.s., of underground water to irrigate 80 acres. This point of diversion is within the SE1/4 NE1/4 Section 6, T.19N., R.28E., M.D.M., and the place of use is within the S1/2 NE1/4 of said Section 6.

Applications 30338, 30840, 31268, 31717, 31724, 31958, 33191, 33490, and 34721 were protested by Kennametal, Inc., who prayed that these applications be denied on the grounds that Kennametal, Inc., is drawing water from an underground aquifer with an unknown recharge source, if any, and has a considerable investment in a well and pipeline system to an industrial site ten miles north of Fallon and additional appropriations of public water could result in the decrease in quantity or quality or both of Kennametal's appropriation.

Application 30338 was protested by Churchill County who prayed that it be denied on the following grounds:

1. "The City of Fallon is drawing water from an underground aquifer within an unknown recharge source, if any. The citizens of Fallon could be adversely affected if the proposed diversion change the quality or quantity of the underground water.
2. The County of Churchill has conducted a detailed survey establishing a community-wide water system. This survey is approximately 75% complete. It is probable that the underground aquifer could be part of the source water for these domestic purposes.
3. The United States Geological Survey is conducting an analysis of the deep well underground water sources. Until such times as this study is complete, it appears presumptuous to divert large quantities of underground water for agricultural purposes.

The Truckee-Carson Irrigation District is in charge of agricultural waters within the reclamation district and it is our contention that the best interest of the community will be served by supporting the objections raised by the District's protest.

5. The U.S. Navy has a deep well used for their domestic purposes. Any diversion from an underground aquifer could result in reducing the quality or quantity of their present water source.

Applications 31185, 31186, and 31187 were protested by Steve King who prayed that they be denied on the following grounds:

"In the past six months the water level of the domestic well at 1995 Bench Road has dropped six feet and on two occasions has been unclear and murky. One rancher had to deepen his well from 65 feet to 120 feet. Now the forty acres directly across and West of my property has been divided into four ten acre parcels. The forty acres North of the foregoing, paralleling Bench Road and the twenty acre parcel adjoining my property on the North has all changed hands with the new owners with plans for domestic wells all within close proximity which entails six new domestic wells within 12 to 18 months. This in itself will create a sizable drain on the underground reserve of Bench water with a good chance that these wells will tap the same meandering stream or pool with an excellent change of my well going dry with a probable cost of \$2,000.00 to sink another well if the water level drops additionally.

Since I feel that the Bench water is of prime concern to all Bench residents for drinking water and domestic use with no priority to any single individual to personally use thousands of acre feet in order to complete an additional cutting of hay or a truck load of melons, providing irrigation water is a function of T.C.I.D., and if by an act of nature water is not available that is the chance the farmer takes just as if a swarm of locusts devoured his corn.

If all Bench residents requested and were granted irrigation water, the end result would be obvious. Soon no one would have water, or the accumulated salts as in the Imperial Valley, even with drainage tile, is becoming so salty and mineralized that nothing grows.

In view of the foregoing, I respectfully request that singularly and without reservation of the application and permits for irrigation water be emphatically denied. It would be grossly unfair to all Bench residents if you capitulate and concede to one selfish person

These three permits or applications all belong to one concern or party."

Application 31185, 31186 and 31187 were protested by Richard K. Dumaine who prayed that they be denied on the following grounds:

"I have 40 acres along Bench Rd. and this is a T.C.I.D., and I feel that if it becomes a policy to grant irrigation water from deep wells then it should be pro-rated to all potential users of Bench water after a determination has been made of the reserve available for distribution. In addition, its hardly appropriate in this drought critical period and the uncertain immediate future to grant irrigation water to any organization or individual, and certainly not in the best interests of the public welfare."

Application 35021 was protested by the Truckee-Carson Irrigation District who prayed that it be denied on the following grounds:

"1. That the waters herein sought to be appropriated have heretofore been appropriated for use for beneficial purposes within the Newlands Project;

2. That the said 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. The 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."

A Hearing was held in the matter of Applications 30338, 30840, 31185, 31186, 31187, 31268, 31717, 31724, 31958, 33191, 33490, and 34721 on July 12, 1978. A transcript of the Hearing may be viewed in the Office of the State Engineer.

Applications 30338, 30840, 31185, 31186, 31187, 31268, 31958, 33191, 33490 and 34721 were protested by the Truckee-Carson Irrigation District but the protests were withdrawn at the Hearing on the condition that no perforations be put in the top 100 feet of well casing.

The proposed wells under the pending applications are scattered with none being located closer than 2 1/2 miles from the Kennametal, Inc., wells and the U.S. Navy wells or closer than 1 1/2 miles from the City of Fallon wells. Most of the proposed wells are much farther away from these municipal and industrial wells.

The pending applications in the Swingle Bench Area are well separated and are at least one-half miles apart. Pumping under these proposed applications would not contribute to form a zone of concentrated ground water pumpage.

Attached is a copy of Order 722 which states that all Applications to appropriate underground water to irrigate additional land filed after October 4, 1978 will be denied.

RULING

The protests to Applications 30338, 30840, 31185, 31186, 31187, 31268, 31717, 31724, 31958, 33191, 33490, 34721, and 35021 are overruled. Permits will be issued upon payment of statutory fees. No perforations may be placed in the top 100 feet of well casing.

Respectfully submitted,

  
Roland D. Westergard  
State Engineer

Dated this 12th day of October, 1978.

Attachments