

IN THE MATTER OF APPLICATIONS)
33697, 35026 and 35027 FILED)
TO APPROPRIATE THE WATERS OF)
AN UNDERGROUND SOURCE IN EAGLE)
VALLEY, CARSON CITY, NEVADA)

R U L I N G

INTRODUCTION

Applications 33697, 35026 and 35027 were filed by Aram and Stella Harootunian to appropriate water from an underground source in the Eagle Valley Ground Water Basin, Carson City, Nevada.

In 1966 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 in the office of the State Engineer.

In 1978 Open File Report 79-261 Development of a Relation For Steady-State Pumping Rate For Eagle Valley Ground Water Basin, Nevada by Freddy E. Arteaga and Timothy J. Durbin was prepared cooperatively by the Nevada Division of Water Resources and the U. S. Geological Survey. This report is available in the office of the State Engineer.

FINDINGS OF FACT

I

Application 33697 was filed by Aram and Stella Harootunian on September 22, 1977 to appropriate 5.4 c.f.s. of water from an underground source for irrigation and domestic purposes. The proposed point of diversion is described as within the SW 1/4 NE 1/4 of Section 7, T.15N., R.20E., M.D.B. & M. The place of use is described as 546 acres within a portion of the W 1/2 E 1/2 and the W 1/2 of Section 6 and a portion of the NW 1/4 and a portion of the W 1/2 NE 1/4 of Section 7, all in T.15N., R.20E., M.D.B. & M.

A protest to the granting of Application 33697 was filed by Carson City on June 6, 1978. The basis of the protest was that the proposed well location is within 600 feet of a Carson City water line, within 3,000 feet of Carson City well number 6 and within 4,000 feet of Carson City well number 10 and that another well in this area may adversely affect Carson City's water rights.

Application 35026 was filed by Aram and Stella Harootunian on February 23, 1978 to appropriate 5.4 c.f.s. of water from an underground source for irrigation and domestic purposes. The proposed point of diversion is described as within the SE 1/4 SW 1/4 of Section 6, T.15N., R.20E., M.D.B. & M. The place of use is described as 546 acres within a portion of the W 1/2 E 1/2 and the W 1/2 of Section 6 and a portion of the NW 1/4 and a portion of the W 1/2 NE 1/4 of Section 7, all in T.15N., R.20E., M.D.B. & M.

A protest to the granting of Application 35026 was filed by Carson City on June 6, 1978, the basis of the protest was that the proposed well location is within 1,600 feet of Carson City well number 10, within 2,300 feet of Carson City well number 6 and that another well in this area may adversely affect Carson City's water rights.

Application 35027 was filed by Aram and Stella Harootunian on February 23, 1978 to appropriate 5.4 c.f.s. of water from an underground source for irrigation and domestic purposes. The proposed point of diversion is described as within the SW 1/4 NW 1/4 of Section 6, T.15N., R.20E., M.D.B. & M. The place of use is described as 546 acres within a portion of the W 1/2 E 1/2 and the W 1/2 of Section 6 and a portion of the NW 1/4 and a portion of the W 1/2 NE 1/4 of Section 7, all in T.15N., R.20E., M.D.B. & M.

A protest to the granting of Application 35027 was filed by Carson City on June 6, 1978. The basis of the protest was that the proposed well location is within 4,000 feet of two Carson City wells, numbers 7 and 10, and that another well in this area may adversely affect Carson City's water rights. 1/

II

By Order No. 424 dated February 23, 1972, the State Engineer designated and described the Eagle Valley Ground Water Basin under the provisions of NRS 534. 2/

III

It is estimated that the annual recharge to the ground water basin from natural precipitation is 6,700 acre-feet. 3/ A consumptive withdrawal in excess of the natural recharge will deplete the ground water reservoir.

IV

Existing certified and permitted ground water rights in the Eagle Valley Ground Water Basin for all purposes presently total in excess of 6,700 acre-feet per year. 4/

V

A hearing in the matter of Applications 33697, 35026 and 35027 proposing to appropriate water from the Eagle Valley Ground Water Basin for irrigation purposes was held by the State Engineer on March 20, 1979. The applicants and the protestant were represented at the hearing. Although much testimony was presented at the hearing, there was no substantial evidence presented that would indicate that there was sufficient ground water available to supply the proposed diversions without creating an unreasonable adverse effect on prior existing water rights or existing domestic wells. 5/

VI

The proposed points of diversion under Applications 33697, 35026 and 35027 are located within the northwest portion of Eagle Valley in an area of scattered development but in the area where municipal wells of Carson City are located. 6/

VII

Withdrawal of water by Carson City from the well field near the Harootunian property has resulted in significant declines in the static water level of the ground water reservoir. 7/

VIII

An application to appropriate ground water to irrigate additional land within the Eagle Valley Ground Water Basin has been denied. 8/

CONCLUSIONS

I

The State Engineer has jurisdiction of the parties and the subject matter of this action. 9/

II

The State Engineer is prohibited by statute from granting a permit when:

1. There is no unappropriated water at the proposed source, or
2. The proposed use conflicts with existing rights, or
3. The proposed use threatens to prove detrimental to the public welfare. 10/

III

The State Engineer may declare preferred uses of water within a designated ground water basin. 11/

IV

The City of Carson City has the potential requirement, demand and capability to place up to 8,000 acre-feet of water per year to beneficial use under existing water rights within the prescribed time limits. 12/

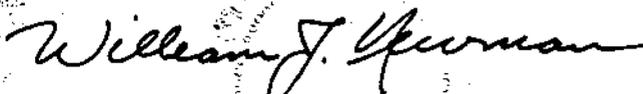
V

Present demands and pumpage by the City of Carson City under existing rights have resulted in a significant decline of the static water level in the ground water reservoir in the Eagle Valley Ground Water Basin. 13/

RULING

The protests to Applications 33697, 35026 and 35027 are upheld in part and Applications 33697, 35026 and 35027 are hereby denied on the grounds that the allowance of additional appropriations, for the proposed irrigation of land, from the Eagle Valley Ground Water Basin would adversely affect existing water rights, would be detrimental to the public welfare, and is not a preferred use of the limited and committed ground water resource.

Respectfully submitted,



William J. Newman
State Engineer

WJN/bc

Dated this 23rd day of
May 1979.

FOOTNOTES

1. Public records available in the office of the State Engineer.
2. Public records available in the office of the State Engineer.
3. Open File Report 79-261 "Development of a Relation for Steady Pumping Rate For Eagle Valley Ground Water Basin, Nevada 1978".
4. Public records available in the office of the State Engineer.
5. Transcript of hearing in the matter of Applications 33697, 35026 and 35027 to appropriate ground water in the Eagle Valley Ground Water Basin held on March 20, 1979.
6. Transcript of hearing in the matter of Applications 33697, 35026 and 35027 to appropriate ground water in the Eagle Valley Ground Water Basin held on March 20, 1979.
7. Transcript of hearing in the matter of Applications 33697, 35026 and 35027 to appropriate ground water in the Eagle Valley Ground Water Basin held on March 20, 1979, p. 26, 31, 34 & 35.
8. Public records in the office of the State Engineer. See denied Application 29347.
9. NRS 533.025 and NRS 533.030, subsection 1.
10. NRS 533.370, subsection 4.
11. NRS 534.120, subsection 2.
12. Transcript of hearing in the matter of Applications 33697, 35026 and 35027, page 33. Transcript available in the office of the State Engineer.
13. Transcript of hearing in the matter of Applications 33697, 35026 and 35027 to appropriate ground water in the Eagle Valley Ground Water Basin held on March 20, 1979, p. 26, 31, 34 & 35.