

IN THE OFFICE OF THE STATE ENGINEER

IN THE MATTER OF APPLICATION 48690)
FILED TO APPROPRIATE THE PUBLIC)
WATERS OF AN UNDERGROUND SOURCE IN)
CARSON VALLEY, DOUGLAS COUNTY,))
NEVADA.)

RULING

GENERAL

Application 48690 was filed on January 9, 1985, by Ruth Helen Fingar to appropriate 2.7 c.f.s. of water from an underground source for irrigation and domestic purposes on 160 acres of land within the SW1/4 Section 33, T.13N., R.21E., M.D.B.&M. The point of diversion is described as being within the SE1/4 SW1/4 Section 33, T.13N., R.21E., M.D.B.&M.¹

In 1975, 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 from the office of the State Engineer.

FINDINGS OF FACT

I.

By an Order dated June 14, 1977, the State Engineer designated and described the Carson Valley Ground Water Basin under the provisions of NRS Chapter 534.²

II.

It is estimated that the potential annual recharge to the ground water basin from precipitation is 25,000 acre-feet. The estimated annual sub-surface inflow to the ground water basin from California is approximately 7,000 acre-feet. The total potential annual recharge to the Carson Valley Ground Water Basin is, therefore, approximately 32,000 acre-feet per year.³ 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.

¹ Public record in the office of the State Engineer under Application 48690.

² Public record in the office of the State Engineer.

³ Water Resources - Reconnaissance Series Report 59, pp. 2, 51.

III.

Existing certificated and permitted ground water rights in the Carson Valley Ground Water Basin for irrigation and other purposes presently total over 40,000 acre-feet per year.²

IV.

A public hearing in the matter of previous applications to appropriate water from the Carson Valley Ground Water Basin was held on March 27 and 28, 1978. 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 adverse effect on prior existing water rights.⁴

V.

Applications to appropriate underground water to irrigate additional land and applications for quasi-municipal use in areas with concentrated wells have been denied in Carson Valley.⁵

CONCLUSIONS

I.

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

II.

The State Engineer is authorized to deny applications prior to publication when a previous application for a similar use of water within the same basin has been rejected.⁷

⁴ Transcript of Hearing in the Matter of Pending Applications to Appropriate Water in Carson Valley Ground Water Basin, March 27 and 28, 1978.

⁵ Public record in the office of the State Engineer. See denied Applications 28799, 28800, 28801, 28802, 29698, 30348, 30349, 30075, 30203, 30640, 30711, 30789, 30870, 31169, 31170, 31171, 31182, 31258, 31259, 31376, 31377, 31380, 31381, 31386, 31414, 31415, 31416, 31459, 31500, 31508, 31509, 31615, 31616, 31660, 31661, 31687, 31688, 31689, 31690, 31691, 31692, 31693, 31694, 31695, 31696, 31697, 31698, 31699, 31700, 31701, 31702, 31703, 31704, 31705, 31706, 31747, 31759, 31760, 31761, 31762, 31776, 31777, 31807, 31810, 31846, 31849, 32107, 32108, 32109, 32110, 32111, 32141, 32142, 32143, 32144, 32147, 32148, 32149, 32150, 32151, 32152, 32153, 32154, 32321, 32322, 32327, 32328, 32330, 32331, 32332, 32333, 32345, 32347, 32353, 32365, 32428, 32429, 32430, 32431, 32446, 32447, 32584, 32585, 32594, 32606, 32607, 32608, 32663, 32831, 32910, 32936, 32937, 32950, 32663, 33366, 33449, 33474, 33880, 34053, 34613, 34746, 35000, 35023, 35024, 35235, 35431, 35660, 35880, 35881, 36175, 36403, 36465, 37113 and 37114.

⁶ NRS 533.025 and NRS 533.030, subsection 1.

⁷ NRS 533.370, subsection 3.

III.

The State Engineer is prohibited by law from granting a permit where:

- A. there is no unappropriated water in the proposed source, or
- B. the proposed use conflicts with existing rights, or
- C. the proposed use threatens to prove detrimental to the public interest.⁷

IV.

If Application 48690 is 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 ground water in storage, 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 interest.

V.

The State Engineer is authorized and directed to designate preferred uses of water within designated ground water basins such as the Carson Valley Ground Water Basin.⁸ The consumptive use of additional ground water to irrigate additional land or to more intensively or frequently irrigate other land is not considered to be a preferred use of the limited water resources of the Carson Valley Ground Water Basin.

⁸ NRS 534.120, subsection 2.

RULING

Application 48690 is herewith denied on the grounds that the appropriation of underground water for irrigation in the designated area described would tend to impair the value of existing rights, would be detrimental to the public interest and welfare, and would not be a preferred use of the limited ground water resource in the Carson Valley Ground Water Basin.

Respectfully submitted



Peter G. Morros
State Engineer

PGM/SHF/bl

Dated this 4th day of

April, 1985.