

IN THE OFFICE OF THE STATE ENGINEER

IN THE MATTER OF APPLICATION 49828)
FILED TO APPROPRIATE THE PUBLIC)
WATERS OF AN UNDERGROUND SOURCE)
WITHIN THE CARSON VALLEY DESIGNATED)
GROUND WATER BASIN, DOUGLAS COUNTY,))
NEVADA.

RULING

GENERAL

Application 49828 was filed on April 16, 1986, by Gardnerville Town Water Company, Inc., to appropriate 6.0 c.f.s. of water from an underground source for quasi-municipal and domestic purposes within the NW1/4 SW1/4, S1/2 NW1/4, NW1/4 NW1/4 Section 4 and the E1/2 NE1/4 Section 5, T.12N., R.20E., M.D.B.&M. The point of diversion is described as being within the SW1/4 NW1/4 Section 4, T.12N., R.20E., M.D.B.&M.¹

II.

Application 49828 was timely protested on July 7, 1986, by the Truckee-Carson Irrigation District on the grounds that:¹

"The groundwater basin is fully appropriated and the appropriation will reduce and adversely affect adjacent surface waters (ie. East Fork of the Carson River.)"

Therefore protestant requests that the application be denied.

FINDINGS OF FACT

I.

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

II.

By letter dated July 24, 1986, the applicant requested that Application 49828 be amended:¹

- (1) to delete the request for additional appropriation at the proposed point of diversion;
- (2) that the application be approved allowing a diversion rate of 1.0 c.f.s.; and
- (3) that the annual duty remain unchanged from that presently allowed under existing permits.

¹ Public record in the office of the State Engineer.

² See State Engineer's Order No. 684, public record in the office of the State Engineer.

III.

The applicant is currently owner of record of the following existing water rights:¹

Permit 11917, Certificate 7116 - 2.5 c.f.s., 589.77 million gallons annually.
Permit 21175, Certificate 6210 - 2.27 c.f.s., 535.5 million gallons annually.
Permit 25164, Certificate 8362 - 2.51 c.f.s., 592.12 million gallons annually.
Permit 33097, Certificate 10973 - 0.911 c.f.s., 0.333 million gallons annually.
Permit 42924 - 6.0 c.f.s., 312.8 million gallons annually.

The total duty of water under applicant's existing water rights is 14.19 c.f.s. and 2030.52 million gallons annually or 6231.47 acre-feet annually.¹

IV.

The proposed point of diversion described under Application 49828 is located no closer than 1460 feet to the northeast from the center line of the East Fork of the Carson River.³

V.

Quasi-municipal and domestic purposes is declared to be a beneficial use of the public waters. The State Engineer may approve any application if it contemplates:⁴

- (1) the application of the water to a beneficial use;
- (2) there is unappropriated water in the proposed source;
- (3) the proposed use will not impair existing rights; and
- (4) the appropriation is in the public interest.

CONCLUSIONS

I.

The State Engineer has jurisdiction of the parties and the subject matter of this action and determination.⁵

II.

The State Engineer is prohibited by law from granting a permit under an application to appropriate the public waters where:⁶

³ Determined by staff of Division of Water Resources from map filed in support of Application 49828.

⁴ NRS 533.030(1), 533.370(3).

⁵ NRS Chapters 533 and 534.

⁶ NRS 533.370(3).

- A. There is no unappropriated water at the proposed source;
- B. The proposed use conflicts with existing rights; or
- C. The proposed use threatens to prove detrimental to the public welfare.

III.

Application 49828 does not represent an additional appropriation of water from the proposed source and the duty of water under the application is to be combined with, and limited by, the total duty of water under applicant's existing water rights.

IV.

Based upon information available to the State Engineer, the withdrawal of 1.0 c.f.s. at the proposed point of diversion, from a well properly constructed in accordance with the "Regulations for Drilling Water Wells", will not adversely affect the waters of the East Fork of the Carson River nor prove detrimental to the public interest.

V.

The granting of the subject application will not affect existing rights on the source.

RULING

The protest to the granting of Application 49828 is hereby overruled on the grounds that the application does not represent an additional appropriation of water from the proposed source and further that the granting thereof will not adversely affect existing rights nor threaten to be detrimental to the public interest.

Application 49828 is hereby granted and a permit will be issued upon receipt of the statutory fees, subject to the following conditions:

1. The well is to be constructed as to provide a 2 inch annular space sanitary seal with neat cement, grout or concrete from ground level to a depth of not less than 100 feet.
2. Subject to existing rights.
3. The total combined annual duty under Permit 49828 and Permits 11917, 21175, 25164, 33097 and 42924 shall not exceed 2030.52 million gallons annually.

Respectfully submitted



PETER G. MORROS
State Engineer

PGM/SHF/jjk

Dated this 14th day of

August, 1986