

IN THE OFFICE OF THE STATE ENGINEER

IN THE MATTER OF APPLICATION 49833)
FILED TO APPROPRIATE THE PUBLIC)
WATERS OF AN UNDERGROUND SOURCE IN)
CARSON DESERT, CHURCHILL COUNTY,))
NEVADA.)

RULING

FINDINGS OF FACT

I.

Application 49833 was filed on April 17, 1986, by Bernard Ponte to appropriate 1.0 c.f.s. of water from an underground source for quasi-municipal and domestic purposes within portions of the NW1/4 NE1/4, SE1/4 NE1/4, NE1/4 NE1/4 Section 24, T.19N., R.28E., M.D.B.&M.; and portions of the SW1/4 NW1/4, NW1/4 NW1/4 Section 19, T.19N., R.29E., M.D.B.&M. The point of diversion is described as being within the SE1/4 NE1/4 Section 24, T.19N., R.28E., M.D.B.&M.¹

II.

Application 49833 was timely protested on July 29, 1986, by Truckee-Carson Irrigation District on the following grounds:¹

"We recommend that the well be constructed with solid casing the top one hundred feet to reduce the adverse affect on adjacent surface waters."

III.

The total combined duty under Applications 49833 and 49844 is limited to 80.3 million gallons annually to serve 220 homes, therefore they are supplemental. Application 49834 changes the place of use of Permit 29959. The terms and conditions of Permit 29959 are as follows: "Perforations in the well casing shall not start less than 100 feet from the surfact" to prevent infiltration of Carson River water. This restriction, therefore, applies to Application 49833.¹

CONCLUSIONS

I.

The State Engineer has jurisdiction of the parties and the subject matter of this action and determination.²

¹ Public record in the office of the State Engineer.

² NRS 533.325.

II.

The State Engineer is prohibited by law from granting a permit under an application to appropriate the public waters where:³

- 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 interest.

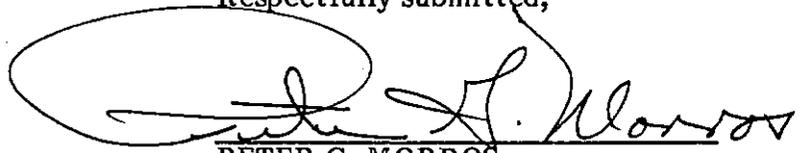
III.

Application 49833 is restricted to the terms and conditions imposed upon Permit 29959 which provide that no perforations shall be placed in the well casing within the top 100 feet.¹

RULING

The protest to the granting of Application 49833 is hereby upheld and a permit will be granted upon receipt of the statutory permit fees and subject to the conditions that no perforations may be placed in the top 100 feet of the well casing and the top 100 feet of the annulus must be sealed to the satisfaction of the State Engineer.

Respectfully submitted,


PETER G. MORROS
State Engineer

PGM/MM/bl

Dated this 8th day of
April, 1987.

³ NRS 533.370(3).