

IN THE OFFICE OF THE STATE ENGINEER
OF THE STATE OF NEVADA

IN THE MATTER OF APPLICATIONS)
50534 AND 50535 FILED TO)
CHANGE THE POINT OF DIVERSION)
OF THE WATERS OF AN UNDERGROUND)
SOURCE HERETOFORE APPROPRIATED)
UNDER PERMITS 40271 AND 40501,)
IN THE TRACY SEGMENT DESIGNATED)
GROUND WATER BASIN, STOREY)
COUNTY, NEVADA.)

RULING

GENERAL

I.

Application 50534 was filed on January 20, 1987, by Joseph Conforte to change the point of diversion of 0.5 c.f.s. of water from an underground source heretofore appropriated under Permit 40271. The proposed use is quasi-municipal and domestic purposes within the SE1/4 SW1/4 SW1/4 Section 16 and the NE1/4 Lot 1 Section 20, and the N1/2 Lot 4 and the NW1/4 Lot 3 Section 21, T.19N., R.21E., M.D.B.&M. The proposed point of diversion is described as being within the SE1/4 SW1/4 Section 16, T.19N., R.21E., M.D.B.&M. The existing point of diversion is described as being within the SW1/4 SW1/4 Section 16, T.19N., R.21E., M.D.B.&M.¹

Application 50535 was filed on January 20, 1987 by Joseph Conforte to change the point of diversion of 0.5 c.f.s. of water from an underground source heretofore appropriated under Permit 40501. The proposed use is quasi-municipal and domestic purposes within SE1/4 SW1/4 SW1/4 Section 16, and the NE1/4 Lot 1 Section 20 and the N1/2 Lot 4 and NW1/4 Lot 3 Section 21, T.19N., R.21E., M.D.B.&M. The proposed point of diversion is described as being within the SE1/4 SW1/4 Section 16, T.19N., R.21E., M.D.B.&M. The existing point of diversion is described as being within the SW1/4 SW1/4 Section 16, T.19N., R.21E., M.D.B.&M.¹

¹ Public record in the office of the State Engineer.

II.

These applications were timely protested by the Truckee-Carson Irrigation District on the following grounds:¹

"The groundwater basin is fully appropriated and the appropriation will reduce and adversely affect adjacent surfacewaters (I.E. Truckee River) wherefore the protestant prays that the application be denied."

FINDING OF FACT

I.

On March 1, 1978, the State Engineer described and designated the Tracy Segment Groundwater Basin under the provisions of NRS Chapter 534.²

II.

Permit 40271 was issued for 0.5 cubic feet per second but not to exceed 1.4 million gallons annually. The total combined duty of Permits 40271, 40501 and 36918 shall not exceed 9.691 million gallons annually.¹ Application 50534 is requesting a change of the point of diversion of Permit 40271 in the amount of 0.5 cubic feet per second and a total combined duty of Permits 40501, 36918 and Application 50534 not to exceed 9.69 million gallons annually.

Permit 40501 was issued for 0.5 cubic feet per second but not to exceed 9.691 million gallons annually. The total combined duty of Permits 40271, 40501 and 36918 shall not exceed 9.691 million gallons annually.¹ Application 50535 is requesting to change the point of diversion of Permit 40501 in the amount of 0.5 cubic feet per second and a total combined duty of Permits 40271, 36918 and Application 50535 not to exceed 9.691 million gallons annually.

² See State Engineer's Order No. 705

Permits 40271 and 40501 were issued subject to the requirement that no perforations be put in the production casings from ground level to 100 feet of depth.¹

Records of the State Engineer's office reflect that the point of diversion described by Permit 40501 is within 1180+ feet of the Truckee River. The point of diversion described under Permit 40271 is within 1050+ feet of the Truckee River. The proposed point of diversion of application 50534 is the same location as the proposed point of diversion of application 50535 and is within 925+ feet of the Truckee River.³

CONCLUSIONS

I.

The State Engineer has jurisdiction of the parties and the subject matter of this action.⁴

II.

The State Engineer is prohibited by law from granting a permit under an application to change the point of diversion of the public waters where⁵:

- A. The proposed use or change conflicts with existing rights, or
- B. The proposed use or change threatens to prove detrimental to the public interest.

III.

Since the subject applications are applications to change existing permitted rights and are not requests for additional appropriation the question of unappropriated water at the proposed source is not an issue.

³ See map on file with the State Engineer's office under Application 50534.

⁴ NRS Chapter 533 & 534

⁵ NRS 533.370

IV.

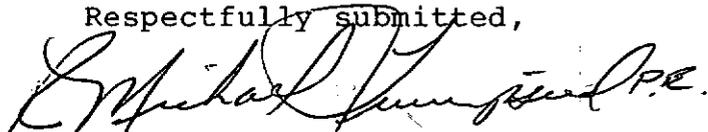
With the requirement that no perforations be put in the production casing from ground level to 100 feet of depth and the small change in distance to the proposed point of diversion from the Truckee River, the subject applications to change should not adversely affect adjacent surface waters (I.E. Truckee River).

RULING

The protest by the Truckee-Carson Irrigation District to granting applications 50534 and 50535 is hereby overruled and applications 50534 and 50535 are herewith granted on the grounds that the granting therefore will not conflict with existing rights nor be otherwise detrimental to the public interest. The granting of these applications is subject to the following requirements:

1. No perforations shall be put in the production casing from ground level to 100 feet of depth.
2. Well logs will be provided to the State Engineers Office for review prior to perforations being placed in the casings.
3. Subject to statutory fees.

Respectfully submitted,


R. MICHAEL TURNIPSEED, P.E.
State Engineer.

RMT/TT/pm

Dated this 6th day of
March, 1990