

IN THE MATTER OF APPLICATION)
46078 AND 46079 FILED TO)
APPROPRIATE UNDERGROUND WATER)
IN LOWER MOAPA VALLEY, CLARK)
COUNTY, NEVADA)

CORRECTED
RULING

INTRODUCTION

Applications 46078 and 46079 were filed to appropriate water from an underground source in the Lower Moapa Valley Ground Water Basin, Clark County, Nevada.

FINDINGS OF FACT

I.

Application 46078 was filed by James A. Brennan on August 20, 1982, to appropriate 2.5 cubic feet per second of underground water for irrigation and domestic purposes. The point of diversion is within the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 22, T15S., R67E., MDB&M, and the place of use is .80 acres in the E $\frac{1}{2}$ NE $\frac{1}{4}$ of Section 22, T15S., R67E., MDB&M.

Application 46079 was filed by Lynda M. Brennan on August 20, 1982, to appropriate 6.0 cubic feet per second of underground water for irrigation and domestic purposes. The point of diversion is within the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 15, T15S., R67E., MDB&M, and the place of use is 320 acres within the W $\frac{1}{2}$ NW $\frac{1}{4}$ Section 14, T15S., R67E., and the NE $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$ of Section 15, T15S., R67E., MDB&M. 1/

II

The State Engineer designated the Lower Moapa Ground Water Basin as provided under NRS 534.010 to 534.190, inclusive by Order No. 798 dated September 16, 1982. 2/

III

The following applications requesting appropriation of the underground waters of Lower Moapa Valley for irrigation purposes for the reclamation of lands under the Carey Act and Desert Land Entry Act have been denied:

Applications 33160, 34510, 34512, 34513, 34514, 36908, 37271, 37380, 37385, 37386, 37564, 37698, 37699, 37700, 37701, 37702, 37703, 37704, 37705, 37706, 37707, 37880, 37881, 37882, 37993, 38665, 38666, 38667, 38668, 38669, 38670, 38675, 38676, 38678, 38679, 38681, 40259, 40788, 40789, 40790, 40793, 40794, 40795, 40797, 40969, and 40970. 3/

IV

NRS 533.370 Subsection 3 states that "where there is no unappropriated water in the proposed source of supply, or where its proposed use or change conflicts with existing rights, or threatens to prove detrimental to the public interest, the State Engineer shall reject the application and refuse to issue the permit asked for. Where a previous application for a similar use of water within the same basin has been rejected on these grounds, the new applications may be denied without publication".

RULING

Applications 46078 and 46079 are hereby denied on the grounds that they are new applications to appropriate the underground water of the Lower Moapa Valley Ground Water Basin in which previous applications have been rejected for irrigation for the reasons that they would tend to impair the value of existing rights and would be detrimental to the public interest and welfare.

Respectfully submitted,



Peter G. Morros
State Engineer

PGM/GB/cs

Dated this 4th day of
NOVEMBER; 1982