

IN THE OFFICE OF THE STATE ENGINEER

IN THE MATTER OF APPLICATIONS 17786)
AND 17787 FILED TO APPROPRIATE THE)
PUBLIC WATERS OF PAHRANAGAT LAKE)
CHANNEL AND ITS TRIBUTARIES IN)
PAHRANAGAT VALLEY, LINCOLN COUNTY,))
NEVADA.)

RULING

GENERAL

Application 17786 was filed on January 12, 1959, by Alamo Irrigation Co., Inc., to appropriate 7.0 c.f.s. of water from Pahranaagat Lake Channel and its tributaries for irrigation and domestic purposes on 702 acres of land within portions of the S1/2 SW1/4, Section 32, T.6S., R.61E., M.D.B.&M., E1/2 W1/2, W1/2 E1/2, SE1/4 SE1/4, NW1/4 NW1/4, Section 5; SW1/4 NW1/4, E1/2 NW1/4, NE1/4 SW1/4, E1/2, Section 8; SW1/4 SW1/4 Section 9; NW1/4 NE1/4, E1/2 NE1/4, Section 17; NW1/4, N1/2 SW1/4, NW1/4 SE1/4, SE1/4 SW1/4, SW1/4 SE1/4 Section 16; NE1/4 Section 21; W1/2 NW1/4 Section 22, T.7S., R.61E., M.D.B.&M. The point of diversion is described as being within the SW1/4 NW1/4 Section 32, T.6S., R.61E., M.D.B.&M.¹

Application 17787 was filed on January 12, 1959, by Alamo Irrigation Co., Inc., to appropriate 3.0 c.f.s. of water from Pahranaagat Lake Channel and its tributaries for irrigation and domestic purposes on 300 acres of land within portions of the S1/2 SW1/4, Section 32, T.6S., R.61E., M.D.B.&M., E1/2 W1/2, W1/2 E1/2, SE1/4 SE1/4, NW1/4 NW1/4, Section 5; SW1/4 NW1/4, E1/2 NW1/4, NE1/4 SW1/4, E1/2, Section 8; SW1/4 SW1/4 Section 9; NW1/4 NE1/4, E1/2 NE1/4, Section 17; NW1/4, N1/2 SW1/4, NW1/4 SE1/4, SE1/4 SW1/4, SW1/4 SE1/4 Section 16; NE1/4 Section 21; W1/2 NW1/4 Section 22, T.7S., R.61E., M.D.B.&M. The point of diversion is described as being within the SW1/4 NW1/4 Section 32, T.6S., R.61E., M.D.B.&M.¹

Applications 17786 and 17787 were timely protested by Erwin Burns on the grounds that there is no unappropriated water in the source.¹

FINDINGS OF FACT

I.

The source of water described under Applications 17786 and 17787 is Pahranaagat Lake Channel, the rights to which have been adjudicated "In the Matter of the Determination of the Relative Rights in and to the Waters of Pahranaagat Lake and its Tributaries in Lincoln County, State of Nevada",² which Decree has been amended and affirmed by the United States District Court.³

¹ Public record in the office of the State Engineer.

² Case No. 3160, Seventh Judicial District Court.

³ United States v. George W. Hennen, State Engineer, et al., Civil-LV-927, U.S. District Court for Nevada, May 1, 1968, Roger D. Foley, District Judge.

II.

In addition to the rights enumerated in the above-mentioned Decree, the State Engineer has on file Certificate 327 in the amount of 1.622 c.f.s. for the irrigation of 162.2 acres, Certificate 3426-1 in the amount of 729.6 acre-feet for the irrigation of 182.4 acres, and Certificate 3426-2 for 1397.6 acre-feet for the irrigation of 349.4 acres.¹

III.

Pahrnagat Lake and its tributaries, except for any unusual flash flood flow, is made up primarily from the flow of Ash Springs and Crystal Springs.

CONCLUSIONS

I.

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

II.

The State Engineer is prohibited by law from granting a permit under an application to appropriate the public waters where:⁵

- 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.

The Pahrnagat Lake Decree fully sets forth rights and these rights fully appropriate water in the source both during the irrigation and non-irrigation season.

⁴ NRS 533.025 and NRS 533.030.

⁵ NRS 533.370(3).

RULING

The protest to the granting of Applications 17786 and 17787 is hereby upheld and Applications 17786 and 17787 are hereby denied on the grounds that there is no unappropriated water in Pahrnagat Lake or its tributaries.

Respectfully submitted,



PETER G. MORROS
State Engineer

PGM/MT/bl

Dated this 15th day of
April, 1985.