

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

IN THE MATTER OF APPLICATIONS 54646)
AND 55337 FILED TO APPROPRIATE THE)
WATERS OF DEER CREEK SPRING LOCATED)
IN PAHRUMP VALLEY, CLARK COUNTY,)
NEVADA.)

RULING

3938

GENERAL

I.

Application 55337 was filed on October 2, 1990, by Tim Hafen Ranches, Inc. (undivided 1/2 interest); Keith Ashworth and Colleen Ashworth (undivided 1/2 interest), to appropriate 0.22 c.f.s. of water from Deer Creek Spring for quasi-municipal and domestic purposes (25 residences) within a portion (12 acres ±) of the SE1/4 SW1/4 Section 27, T.20S., R.56E., M.D.B.&M. The point of diversion is described as being within the NW1/4 SW1/4 Section 10, T.20S., R.56E., M.D.B.&M.¹

Application 54646 was filed on April 10, 1990, by Perry L. Bowman, Loretta Bowman, Lola Bowman Stiborek, Kenna Bowman Frehner, Imogene Bowman Anderson, Mary Bowman Christensen, C. Murton Bowman, and Richard Martin and Elizabeth Martin, to appropriate 1.0 c.f.s. of water from Deer Creek Spring for quasi-municipal and domestic purposes (298 1/2-acre lots) within the SW1/4 NE1/4, NW1/4 SE1/4 and E1/2 SW1/4 Section 27, T.20S., R.56E., M.D.B.&M. The point of diversion is described as being located within the NW1/4 SW1/4 Section 10, T.20S., R.56E., M.D.B.&M.¹

Permit 42628 was issued on August 24, 1982, to Loretta Bowman, Perry Bowman, Lola Stiborek, Kenna Frehner, Imogene Anderson, Mary Christensen and Murton Bowman, to change the point of diversion of 6.0 c.f.s. (177 acre-feet annually) heretofore appropriated under Permit 515, Certificate 576. The proposed use is for irrigation and domestic purposes on 59 acres within Section 27, T.20S., R.56E., M.D.B.&M. The proposed point of diversion is described as being located within the NW1/4 SW1/4

¹ Public records in the office of the State Engineer.

Section 10, T.20S., R.56E., M.D.B.&M. The existing point of diversion is described as being located within the SE1/4 Section 16, T.20S., R.56E., M.D.B.&M.¹

Permit 26361 was issued on May 26, 1972, and is currently assigned to Perry L. Bowman, Loretta Bowman, Lola Bowman Stiborek, Kenna Bowman Frehner, Imogene Bowman Anderson, Mary Bowman Christensen, Melvin Elmer Bowman and C. Murton Bowman, to appropriate 1.0 c.f.s. of water from Deer Creek for quasi-municipal and domestic purposes (320 1/2-acre lots) located within the SW1/1 NE1/4, NW1/4 SE1/4 and E1/2 SW1/4 Section 27, T.20S., R.56E., M.D.B.&M. The point of diversion is described as being located within the NW1/4 SW1/4 Section 10, T.20S., R.56E., M.D.B.&M.

Proof of Beneficial Use was submitted on September 26, 1988, for 22 lots or 22,000 gallons per day. No diversion rate was submitted. To date no certificate has been issued under Permit 26361.

FINDING OF FACT

I.

Permits 26361 and 42628 have been issued on the same source, Deer Creek, aka Deer Creek Spring, for a combined diversion rate of 7.0 c.f.s. Applications 54646 and 55337 propose the withdrawal of an additional 1.22 c.f.s. from Deer Creek Spring. Combined Applications and Permits represent a total demand of 8.22 c.f.s. on Deer Creek Spring.

II.

A field investigation was conducted on August 21, 1991, by staff of the Division of Water Resources to determine the flow rate from Deer Creek Spring.

Measurement at the totalizing meter in the delivery pipeline indicated a flow of 0.81 c.f.s. At the actual head works of the spring, a velocity-cross section method was used to measure total discharge. This measurement indicated a discharge of 1.26 c.f.s.²

² Public record, "Office Memorandum", dated August 30, 1991, filed under Permit 26361.

CONCLUSIONS

I.

The State Engineer has jurisdiction of the parties and the subject matter of this action.³

II.

The State Engineer is prohibited by law from granting a permit under an application to appropriate the public waters where:⁴

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

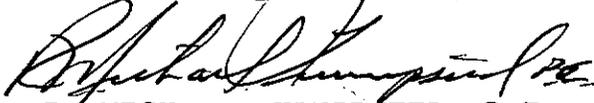
III.

Based on the flow rates issued under Permit 26361 and Permit 42628 and the maximum flow rate calculated by the State Engineer's staff for Deer Creek Spring, the State Engineer determines that there is no additional water available at the source to support new appropriations.

RULING

Applications 54646 and 55337 are herewith denied based on the fact that there is no unappropriated water at the proposed source and approval of additional appropriations from a fully appropriated source would be detrimental to the public interest and welfare.

Respectfully submitted,


R/ MICHAEL TURNIPSEED, P.E.
State Engineer

RMT/SW/pm

Dated this 23rd day of
February, 1993.

³ NRS Chapter 533.

⁴ NRS Chapter 533.370.