

Ruling:

Application 13342 is denied on the grounds that the applicant failed to submit additional information as requested and that approval without such information would be detrimental to the public welfare.

Respectfully submitted,

George W. Hennen  
State Engineer

by

  
Roland D. Westergard  
Assistant State Engineer

RWD:PGM:rap

Dated this 24th day  
of June, 1965.

IN THE MATTER OF APPLICATIONS 22435, )  
22436 AND 22437, FILED BY M & R )  
INVESTMENT CO., INC. (dba DUNES HOTEL), )  
TO CHANGE THE POINT OF DIVERSION AND )  
PLACE OF USE OF APPLICATIONS 19907, )  
19906 AND 19905, RESPECTIVELY IN CLARK )  
COUNTY, NEVADA. )

R U L I N G

General:

Applications 19905, 19906 and 19907 filed by M & R Investment Co., Inc. (dba Dunes Hotel) on June 6, 1961 were each approved for 1.0 c.f.s. for recreation-irrigation (golf course) and domestic purposes. The place of use of each is described as 40 acres within SW $\frac{1}{4}$  NE $\frac{1}{4}$ , NW $\frac{1}{4}$  NE $\frac{1}{4}$ , SE $\frac{1}{4}$  NW $\frac{1}{4}$ , NE $\frac{1}{4}$  NW $\frac{1}{4}$ , and NE $\frac{1}{4}$  NE $\frac{1}{4}$  Sec. 20 T. 21 S., R. 61 E., M.D.B.&M. Information on the supporting map indicates that the total acreage proposed to be irrigated was 120 acres.

The applicant complied with provisions of the permits by submitting various proofs required. The map prepared by a licensed water right surveyor, which was filed in support of the proofs of beneficial use, revealed that wells were actually drilled in locations other than as specified in the original applications. The map also indicates that acreage actually irrigated did not conform with the place of use under the original applications, nor did it conform with the acreages described on the proofs of beneficial use. The amount of water claimed to have been beneficially used was 1.0 c.f.s. under each permit.

A field investigation disclosed that the location of the golf course, the number of acres irrigated, the location of the wells and the method of irrigation are as shown on the supporting map. Investigation disclosed that actual production from the wells was:

Well No. 1 (No. 22435)	300 gpm
Well No. 2 (No. 22436)	355 gpm
Well No. 3 (No. 22437)	340 gpm

In a letter dated December 8, 1964 the applicant was advised that the actual use and diversion of water did not conform with the original intent of the applications. To correct the discrepancies in well locations and acreages irrigated, Applications

22435, 22436 and 22437 were filed on February 10, 1965 to change the point of diversion and place of use of Permits 19907, 19906 and 19905, respectively. Each application was filed to change 1.0 c.f.s. The information included in the applications to change regarding points of diversion and the existing place of use is in accord with the supporting map and results of the field investigation. However the information relative to the proposed place of use is not in accord with the maps and the actual operation, which is to co-mingle water from all three wells by pumping it to a common pond. Water is then pumped from this pond to the acreage described on the supporting map. Thus water from all three wells is actually used on all the acreage rather than on specific areas as described on the Proofs of beneficial use under Permits 19905, 19906 and 19907 and applications to change 22435, 22436 and 22437.

Opinion:

Evidence indicates that the original intent was to withdraw not more than 1.0 c.f.s. from each of three wells for the irrigation of not more than 120 acres of golf course. It is the opinion of representatives of this office that the results of the actual operation is not significantly different than that proposed when the original applications were filed. Although the acreage irrigated is in a different location and the well sites are somewhat different, the resulting affect on the ground water source is as it would have been had the development been made in accordance with the original applications.

It is further the opinion that Applications 22435, 22436 and 22437 can be granted with limitations described in the following ruling without being detrimental to the public welfare and without adversely affecting existing rights.

RULING

Applications 22435, 22436 and 22437 are granted, subject to usual conditions of permits within the Las Vegas Artesian Basin and subject to further conditions that the draft shall not exceed 300 gpm from Well No. 1 (No. 22435); 355 gpm from Well No. 2 (No. 22436) and 340 gpm from Well No. 3 (No. 22437) and that the total