

IN THE OFFICE OF THE STATE ENGINEER

IN THE MATTER OF APPLICATIONS 39320)
AND 45389 FILED TO APPROPRIATE THE)
PUBLIC WATERS OF AN UNDERGROUND)
SOURCE IN WALKER LAKE VALLEY)
(WHISKEY FLAT - HAWTHORNE SUBAREA))
MINERAL COUNTY, NEVADA.)

**CORRECTED
RULING**

GENERAL

Application 39320 was filed on October 15, 1979, by the El Capitan Club to appropriate 2.1 c.f.s. of water from an underground source for quasi-municipal purposes within the NW1/4, W1/2 NE1/4 NE1/4, N1/2 SW1/4 and NW1/4 SE1/4 Section 33, T.8N., R.30E., M.D.B.&M. The point of diversion is described as being within the NW1/4 SW1/4 Section 33, T.8N., R.30E., M.D.B.&M.¹

Application 45389 was filed on February 24, 1982, by the El Capitan Club to appropriate 3.5 c.f.s. of water from an underground source for quasi-municipal purposes within the W1/2, N1/2 NE1/4, SW1/4 NE1/4 and NW1/4 SE1/4 Section 33, T.8N., R.30E., M.D.B.&M. The point of diversion is described as being within the SE1/4 SW1/4 Section 33, T.8N., R.30E., M.D.B.&M.¹

FINDINGS OF FACT

I.

Walker Lake Valley, Whiskey Flat - Hawthorne Subarea Ground Water Basin, was designated and described by the State Engineer on September 9, 1983, by Order No. 823 as a ground water basin in need of additional administration under the provisions of NRS Chapter 534.

II.

The place of use under Applications 39320 and 45389 is included within the place of use as Permits 45706 through 45709, inclusive, which stand in the name of Mineral County for municipal use by the Town of Hawthorne, Nevada.

III.

In accordance with NRS 534.120, the State Engineer may deny applications to appropriate water in areas served by an entity such as Hawthorne Utilities.

¹ Public record in the office of the State Engineer.

CONCLUSIONS

I.

The State Engineer has jurisdiction of the parties and the subject matter of this action and determination.²

II.

The State Engineer is prohibited by law from granting a permit under an application to appropriate the public waters where:³

- 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.

Applications 39320 and 45389 are within the service area of Hawthorne Utilities which can provide water service to the proposed developments.

RULINGS

Applications 39320 and 45389 are herewith denied on the grounds that the granting thereof would prove detrimental to the public interest and welfare.

Respectfully submitted,



PETER G. MORROS
State Engineer

PGM/DL/bl

Dated this 20th day of
December, 1985.

² NRS 533.325.

³ NRS 533.370(3).