

IN THE OFFICE OF THE STATE ENGINEER

IN THE MATTER OF APPLICATIONS 50898,) 50899, 51321, 51331 THROUGH 51358) INCLUSIVE, 51391 AND 51392 FILED TO) APPROPRIATE THE PUBLIC WATERS OF AN) UNDERGROUND SOURCE WITHIN THE) PAHRUMP VALLEY DESIGNATED GROUND) WATER BASIN, NYE AND CLARK COUNTIES,) NEVADA. )

RULING

GENERAL

Application 50898 was filed on May 4, 1987, by Evaluators, Inc. to appropriate 1.0 c.f.s. of water from an underground source for quasi-municipal (Mobile Home Estates) purposes to serve 366 mobile home estate lots within the N1/2 N1/2 N1/2 of Section 19 and the N1/2 N1/2 NW1/4 of Section 20, T.21S., R.54E., M.D.B.&M. The point of diversion is described as being within the NE1/4 NE1/4 Section 19, T.21S., R.54E., M.D.B.&M.<sup>1</sup>

Application 50899 was filed on May 4, 1987, by Evaluators, Inc. to appropriate 1.0 c.f.s. of water from an underground source for quasi-municipal (Mobile Home Estates) purposes to serve 366 mobile home estate lots within the N1/2 N1/2 N1/2 of Section 19 and the N1/2 N1/2 NW1/4 of Section 20, T.21S., R.54E., M.D.B.&M. The point of diversion is described as being within the NE1/4 NE1/4 Section 19, T.21S., R.54E., M.D.B.&M.<sup>1</sup>

Application 51321 was filed on September 17, 1987, by Leslie A. and Patricia S. Mankins to appropriate 0.2 c.f.s. of water from an underground source for quasi-municipal purposes on lots 165 through 172, inclusive, of the Manko Subdivision within the SE1/4 SW1/4 of Section 1, T.21S., R.53E., M.D.B.&M. The point of diversion is described as being within the SW1/4 SW1/4 Section 1, T.21S., R.53E., M.D.B.&M.<sup>1</sup>

Application 51331 was filed on September 24, 1987, by Evaluators, Inc. to appropriate 0.1 c.f.s. of water from an underground source for quasi-municipal (Duplex Residence) purposes on lot 735 of the Green Saddle Ranch Subdivision within the SE1/4 NW1/4 of Section 19, T.21S., R.54E., M.D.B.&M. The point of diversion is described as being within the SE1/4 NW1/4 Section 19, T.21S., R.54E., M.D.B.&M.<sup>1</sup>

Application 51332 was filed on September 24, 1987, by Evaluators, Inc. to appropriate 0.1 c.f.s. of water from an underground source for quasi-municipal (Duplex Residence) purposes on lot 736 of the Green Saddle Ranch Subdivision within the SE1/4 NW1/4 of Section 19, T.21S., R.54E., M.D.B.&M. The point of diversion is described as being within the SE1/4 NW1/4 Section 19, T.21S., R.54E., M.D.B.&M.<sup>1</sup>

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<sup>1</sup> Public record in the office of the State Engineer.

Application 51333 was filed on September 24, 1987, by Evaluators, Inc. to appropriate 0.1 c.f.s. of water from an underground source for quasi-municipal (Duplex Residence) purposes on lot 737 of the Green Saddle Ranch Subdivision within the SE1/4 NW1/4 of Section 19, T.21S., R.54E., M.D.B.&M. The point of diversion is described as being within the SE1/4 NW1/4 Section 19, T.21S., R.54E., M.D.B.&M.<sup>1</sup>

Application 51334 was filed on September 24, 1987, by Evaluators, Inc. to appropriate 0.1 c.f.s. of water from an underground source for quasi-municipal (Duplex Residence) purposes on lot 738 of the Green Saddle Ranch Subdivision within the SE1/4 NW1/4 of Section 19, T.21S., R.54E., M.D.B.&M. The point of diversion is described as being within the SE1/4 NW1/4 Section 19, T.21S., R.54E., M.D.B.&M.<sup>1</sup>

Application 51335 was filed on September 24, 1987, by Evaluators, Inc. to appropriate 0.1 c.f.s. of water from an underground source for quasi-municipal (Duplex Residence) purposes on lot 739 of the Green Saddle Ranch Subdivision within the SE1/4 NW1/4 of Section 19, T.21S., R.54E., M.D.B.&M. The point of diversion is described as being within the SE1/4 NW1/4 Section 19, T.21S., R.54E., M.D.B.&M.<sup>1</sup>

Application 51336 was filed on September 24, 1987, by Evaluators, Inc. to appropriate 0.1 c.f.s. of water from an underground source for quasi-municipal (Duplex Residence) purposes on lot 740 of the Green Saddle Ranch Subdivision within the SE1/4 NW1/4 of Section 19, T.21S., R.54E., M.D.B.&M. The point of diversion is described as being within the SE1/4 NW1/4 Section 19, T.21S., R.54E., M.D.B.&M.<sup>1</sup>

Application 51337 was filed on September 24, 1987, by Evaluators, Inc. to appropriate 0.1 c.f.s. of water from an underground source for quasi-municipal (Duplex Residence) purposes on lot 741 of the Green Saddle Ranch Subdivision within the SW1/4 NW1/4 of Section 19, T.21S., R.54E., M.D.B.&M. The point of diversion is described as being within the SW1/4 NW1/4 Section 19, T.21S., R.54E., M.D.B.&M.<sup>1</sup>

Application 51338 was filed on September 24, 1987, by Evaluators, Inc. to appropriate 0.1 c.f.s. of water from an underground source for quasi-municipal (Duplex Residence) purposes on lot 742 of the Green Saddle Ranch Subdivision within the SW1/4 NW1/4 of Section 19, T.21S., R.54E., M.D.B.&M. The point of diversion is described as being within the SW1/4 NW1/4 Section 19, T.21S., R.54E., M.D.B.&M.<sup>1</sup>

Application 51339 was filed on September 24, 1987, by Evaluators, Inc. to appropriate 0.1 c.f.s. of water from an underground source for quasi-municipal (Duplex Residence) purposes on lot 743 of the Green Saddle Ranch Subdivision within the SW1/4 NW1/4 of Section 19, T.21S., R.54E., M.D.B.&M. The point of diversion is described as being within the SW1/4 NW1/4 Section 19, T.21S., R.54E., M.D.B.&M.<sup>1</sup>

Application 51340 was filed on September 24, 1987, by Evaluators, Inc. to appropriate 0.1 c.f.s. of water from an underground source for quasi-municipal (Duplex Residence) purposes on lot 745 of the Green Saddle Ranch Subdivision within the SW1/4 NW1/4 of Section 19, T.21S., R.54E., M.D.B.&M. The point of diversion is described as being within the SW1/4 NW1/4 Section 19, T.21S., R.54E., M.D.B.&M.<sup>1</sup>

Application 51341 was filed on September 24, 1987, by Evaluators, Inc. to appropriate 0.1 c.f.s. of water from an underground source for quasi-municipal (Duplex Residence) purposes on lot 746 of the Green Saddle Ranch Subdivision within the SW1/4 NW1/4 of Section 19, T.21S., R.54E., M.D.B.&M. The point of diversion is described as being within the SW1/4 NW1/4 Section 19, T.21S., R.54E., M.D.B.&M.<sup>1</sup>

Application 51342 was filed on September 24, 1987, by Evaluators, Inc. to appropriate 0.1 c.f.s. of water from an underground source for quasi-municipal (Duplex Residence) purposes on lot 747 of the Green Saddle Ranch Subdivision within the SW1/4 NW1/4 of Section 19, T.21S., R.54E., M.D.B.&M. The point of diversion is described as being within the SW1/4 NW1/4 Section 19, T.21S., R.54E., M.D.B.&M.<sup>1</sup>

Application 51343 was filed on September 24, 1987, by Evaluators, Inc. to appropriate 0.1 c.f.s. of water from an underground source for quasi-municipal (Duplex Residence) purposes on lot 748 of the Green Saddle Ranch Subdivision within the SW1/4 NW1/4 of Section 19, T.21S., R.54E., M.D.B.&M. The point of diversion is described as being within the SW1/4 NW1/4 Section 19, T.21S., R.54E., M.D.B.&M.<sup>1</sup>

Application 51344 was filed on September 24, 1987, by Evaluators, Inc. to appropriate 0.1 c.f.s. of water from an underground source for quasi-municipal (Duplex Residence) purposes on lot 749 of the Green Saddle Ranch Subdivision within the SW1/4 NW1/4 of Section 19, T.21S., R.54E., M.D.B.&M. The point of diversion is described as being within the SW1/4 NW1/4 Section 19, T.21S., R.54E., M.D.B.&M.<sup>1</sup>

Application 51345 was filed on September 24, 1987, by Evaluators, Inc. to appropriate 0.1 c.f.s. of water from an underground source for quasi-municipal (Duplex Residence) purposes on lot 750 of the Green Saddle Ranch Subdivision within the SW1/4 NW1/4 of Section 19, T.21S., R.54E., M.D.B.&M. The point of diversion is described as being within the SW1/4 NW1/4 Section 19, T.21S., R.54E., M.D.B.&M.<sup>1</sup>

Application 51346 was filed on September 24, 1987, by Evaluators, Inc. to appropriate 0.1 c.f.s. of water from an underground source for quasi-municipal (Duplex Residence) purposes on lot 751 of the Green Saddle Ranch Subdivision within the SW1/4 NW1/4 of Section 19, T.21S., R.54E., M.D.B.&M. The point of diversion is described as being within the SW1/4 NW1/4 Section 19, T.21S., R.54E., M.D.B.&M.<sup>1</sup>

Application 51347 was filed on September 24, 1987, by Evaluators, Inc. to appropriate 0.1 c.f.s. of water from an underground source for quasi-municipal (Duplex Residence) purposes on lot 752 of the Green Saddle Ranch Subdivision within the SW1/4 NW1/4 of Section 19, T.21S., R.54E., M.D.B.&M. The point of diversion is described as being within the SW1/4 NW1/4 Section 19, T.21S., R.54E., M.D.B.&M.<sup>1</sup>

Application 51348 was filed on September 24, 1987, by Evaluators, Inc. to appropriate 0.1 c.f.s. of water from an underground source for quasi-municipal (Duplex Residence) purposes on lot 754 of the Green Saddle Ranch Subdivision within the SW1/4 NW1/4 of Section 19, T.21S., R.54E., M.D.B.&M. The point of diversion is described as being within the SW1/4 NW1/4 Section 19, T.21S., R.54E., M.D.B.&M.<sup>1</sup>

Application 51349 was filed on September 24, 1987, by Evaluators, Inc. to appropriate 0.1 c.f.s. of water from an underground source for quasi-municipal (Duplex Residence) purposes on lot 755 of the Green Saddle Ranch Subdivision within the SW1/4 NW1/4 of Section 19, T.21S., R.54E., M.D.B.&M. The point of diversion is described as being within the SW1/4 NW1/4 Section 19, T.21S., R.54E., M.D.B.&M.<sup>1</sup>

Application 51350 was filed on September 24, 1987, by Evaluators, Inc. to appropriate 0.1 c.f.s. of water from an underground source for quasi-municipal (Duplex Residence) purposes on lot 756 of the Green Saddle Ranch Subdivision within the SW1/4 NW1/4 of Section 19, T.21S., R.54E., M.D.B.&M. The point of diversion is described as being within the SW1/4 NW1/4 Section 19, T.21S., R.54E., M.D.B.&M.<sup>1</sup>

Application 51351 was filed on September 24, 1987, by Evaluators, Inc. to appropriate 0.1 c.f.s. of water from an underground source for quasi-municipal (Duplex Residence) purposes on lot 757 of the Green Saddle Ranch Subdivision within the SE1/4 NW1/4 of Section 19, T.21S., R.54E., M.D.B.&M. The point of diversion is described as being within the SE1/4 NW1/4 Section 19, T.21S., R.54E., M.D.B.&M.<sup>1</sup>

Application 51352 was filed on September 24, 1987, by Evaluators, Inc. to appropriate 0.1 c.f.s. of water from an underground source for quasi-municipal (Duplex Residence) purposes on lot 758 of the Green Saddle Ranch Subdivision within the SE1/4 NW1/4 of Section 19, T.21S., R.54E., M.D.B.&M. The point of diversion is described as being within the SE1/4 NW1/4 Section 19, T.21S., R.54E., M.D.B.&M.<sup>1</sup>

Application 51353 was filed on September 24, 1987, by Evaluators, Inc. to appropriate 0.1 c.f.s. of water from an underground source for quasi-municipal (Duplex Residence) purposes on lot 759 of the Green Saddle Ranch Subdivision within the SE1/4 NW1/4 of Section 19, T.21S., R.54E., M.D.B.&M. The point of diversion is described as being within the SE1/4 NW1/4 Section 19, T.21S., R.54E., M.D.B.&M.<sup>1</sup>

Application 51354 was filed on September 24, 1987, by Evaluators, Inc. to appropriate 0.1 c.f.s. of water from an underground source for quasi-municipal (Duplex Residence) purposes on lot 760 of the Green Saddle Ranch Subdivision within the SE1/4 NW1/4 of Section 19, T.21S., R.54E., M.D.B.&M. The point of diversion is described as being within the SE1/4 NW1/4 Section 19, T.21S., R.54E., M.D.B.&M.<sup>1</sup>

Application 51355 was filed on September 24, 1987, by Evaluators, Inc. to appropriate 0.1 c.f.s. of water from an underground source for quasi-municipal (Duplex Residence) purposes on lot 761 of the Green Saddle Ranch Subdivision within the SE1/4 NW1/4 of Section 19, T.21S., R.54E., M.D.B.&M. The point of diversion is described as being within the SE1/4 NW1/4 Section 19, T.21S., R.54E., M.D.B.&M.<sup>1</sup>

Application 51356 was filed on September 24, 1987, by Evaluators, Inc. to appropriate 0.1 c.f.s. of water from an underground source for quasi-municipal (Duplex Residence) purposes on lot 762 of the Green Saddle Ranch Subdivision within the SE1/4 NW1/4 of Section 19, T.21S., R.54E., M.D.B.&M. The point of diversion is described as being within the SE1/4 NW1/4 Section 19, T.21S., R.54E., M.D.B.&M.<sup>1</sup>

Application 51357 was filed on September 24, 1987, by Evaluators, Inc. to appropriate 0.1 c.f.s. of water from an underground source for quasi-municipal (Duplex Residence) purposes on lot 763 of the Green Saddle Ranch Subdivision within the SE1/4 NW1/4 of Section 19, T.21S., R.54E., M.D.B.&M. The point of diversion is described as being within the SE1/4 NW1/4 Section 19, T.21S., R.54E., M.D.B.&M.<sup>1</sup>

Application 51358 was filed on September 24, 1987, by Evaluators, Inc. to appropriate 0.1 c.f.s. of water from an underground source for quasi-municipal (Duplex Residence) purposes on lot 764 of the Green Saddle Ranch Subdivision within the SE1/4 NW1/4 of Section 19, T.21S., R.54E., M.D.B.&M. The point of diversion is described as being within the SE1/4 NW1/4 Section 19, T.21S., R.54E., M.D.B.&M.<sup>1</sup>

Application 51391 was filed on October 1, 1987, by Evaluators, Inc. to appropriate 0.1 c.f.s. of water from an underground source for quasi-municipal (Duplex Residence) purposes on lot 744 of the Green Saddle Ranch Subdivision within the SW1/4 NW1/4 of Section 19, T.21S., R.54E., M.D.B.&M. The point of diversion is described as being within the SW1/4 NW1/4 Section 19, T.21S., R.54E., M.D.B.&M.<sup>1</sup>

Application 51392 was filed on October 1, 1987, by Evaluators, Inc. to appropriate 0.1 c.f.s. of water from an underground source for quasi-municipal (Duplex Residence) purposes on lot 753 of the Green Saddle Ranch Subdivision within the SW1/4 NW1/4 of Section 19, T.21S., R.54E., M.D.B.&M. The point of diversion is described as being within the SW1/4 NW1/4 Section 19, T.21S., R.54E., M.D.B.&M.<sup>1</sup>

### FINDINGS OF FACT

#### I.

Applications 50898, 50899, 51321, 51331 through 51358 inclusive, 51391 and 51392 have their respective points of diversion located within the area described as the Pahrump Valley Artesian Ground Water Basin.<sup>1</sup>

#### II.

By order No. 176, dated March 11, 1941, Order No. 193, dated January 15, 1948, and Order No. 205, dated January 23, 1953, the State Engineer designated a portion of the Pahrump Valley Ground Water Basin under the provisions of the underground water law (Chapter 178, Nevada Revised Statutes, 1939). Order No. 206 dated, May 4, 1953, required the installation of a suitable measuring device for each and every permit holder in the Pahrump Valley Artesian Basin. Order No. 381, dated June 1, 1970, excluded irrigation from being a preferred use within the designated portion of the Pahrump Artesian Basin. The points of diversion for Applications 50898, 50899, 51321, 51331 through 51358 inclusive, 51391 and 51392 are located within the designated portion of the Pahrump Valley Ground Water basin.<sup>1</sup>

By Order No. 955 dated October 26, 1987, the State Engineer declared that all applications filed to appropriate groundwater from the Pahrump Valley Artesian Basin for quasi-municipal purposes will be denied.<sup>3</sup>

#### III.

Several applications to appropriate ground water for quasi-municipal purposes within Pahrump Valley have been previously denied on the grounds that the granting thereof would conflict with existing rights and be detrimental to the public interest.<sup>2</sup>

### CONCLUSIONS

#### I.

The State Engineer has jurisdiction of the parties and the subject matter of this action.<sup>4</sup>

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<sup>3</sup> The State Engineer's Order delineates between the valley floor and the alluvial fan areas referred to as the "Manse" and "Bennett" fans or collectively as the Pahrump Fan.

<sup>2</sup> See State Engineer's Ruling Nos. 1854, 1897, 1918, 2836, 3216, 3248, 3462 and 3486. Public record in the office of the State Engineer.

<sup>4</sup> NRS Chapters 533 and 534.

II.

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

- 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 welfare.

III.

The State Engineer is authorized to deny an application prior to publication when a previous application for a similar use of water within the same basin has been rejected.<sup>4</sup> State Engineer's Rulings 1854, 1897, 1918, 2836, 3248, 3462 and 3486 are incorporated in this ruling by reference.<sup>1</sup>

RULING

Applications 50898, 50899, 51321, 51331 through 51358 inclusive, 51391 and 51392 are herewith denied on the grounds that the granting thereof would conflict with existing rights and be detrimental to the public interest.

Respectfully submitted,

  
PETER G. MORROS  
State Engineer

PGM/SHF/bk

Dated this 3rd day of

March, 1988.

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<sup>5</sup> NRS 533.370(2)(3)