

IN THE OFFICE OF THE STATE ENGINEER

IN THE MATTER OF APPLICATIONS 51465,
51632 AND 51813 FILED TO APPROPRIATE
THE PUBLIC WATERS OF AN
UNDERGROUND SOURCE WITHIN THE
PAHRUMP VALLEY GROUND WATER BASIN,
NYE AND CLARK COUNTIES, NEVADA.)

RULING

GENERAL

I.

Application 51465 was filed on October 27, 1987, by Greg Dann to appropriate 0.07 c.f.s. of water from an underground source for commercial (Trailer Court) purposes within the SW1/4 NW1/4 NE1/4 of Section 18, T.20S., R.53E., M.D.B.&M. The point of diversion is described as being within the NW1/4 NE1/4 Section 18, T.20S., R.53E., M.D.B.&M.¹

Application 51632 was filed on December 15, 1987, by William W. Morris to appropriate 1.0 c.f.s. of water from an underground source for quasi-municipal and domestic (Subdivision) purposes within the NE1/4 of Section 28, T.20S., R.57E., M.D.B.&M. The point of diversion is described as being within the NW1/4 NE1/4 Section 28, T.20S., R.57E., M.D.B.&M.¹

Application 51813 was filed on February 3, 1988, by Charles K. and Dorothy Jean Hollis to appropriate 0.1114 c.f.s. of water from an underground source for quasi-municipal (Trailer Court) purposes on Lot 1, Block 6 of the Bolling Green Acres Subdivision within the SE1/4 SE1/4 of Section 15, T.20S., R.53E., M.D.B.&M. The point of diversion is described as being within the SE1/4 SE1/4 Section 15, T.20S., R.53E., M.D.B.&M.

FINDINGS OF FACT

I.

Applications 51465, 51632 and 51813 have their respective points of diversion located within the area described as the Pahrump Valley Artesian Ground Water Basin.¹

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

¹ Public record in the office of the State Engineer.

irrigation from being a preferred use within the designated portion of the Pahrump Artesian Basin. The point of diversion for Applications 51465 and 51813 are located within the designated portion of the Pahrump Valley Ground Water basin.¹

III.

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.²

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.³

IV.

Application 51465 states under Item No. 12 - Remarks: "trailer court with 25 spaces with lawns, trees, laundromat and a swimming pool."⁴ The State Engineer has determined that the proposed manner of use is actually quasi-municipal and not commercial.

CONCLUSIONS

I.

The State Engineer has jurisdiction of the parties and the subject matter of this action.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 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.⁵ State Engineer's Rulings 1854, 1897, 1918, 2836, 3216, 3248, 3462, 3486 and 3496 are incorporated in this ruling by reference.¹

² 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.

³ Public record in the office of the State Engineer. See also State Engineer's Ruling Nos. 1854, 1897, 1918, 2836, 3216, 3248, 3462, 3486 and 3496.

⁴ NRS Chapters 533 and 534.

⁵ NRS 533.370(2)(3)

RULING

Applications 51465, 51632 and 51813 are herewith denied on the grounds that the granting thereof would conflict with existing rights and be detrimental to the public interest.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Peter G. Morros", is written over a horizontal line. The signature is enclosed within a hand-drawn oval.

PETER G. MORROS
State Engineer

PGM/SHF/bk

Dated this 25th day of

March, 1988.