

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

IN THE MATTER OF APPLICATION 55114)
FILED TO APPROPRIATE THE PUBLIC WATERS))
OF AN UNDERGROUND SOURCE WITHIN THE)
PAHRUMP VALLEY ARTESIAN GROUND WATER)
BASIN, NYE COUNTY, NEVADA.)

RULING

GENERAL

I.

Application 55114 was filed on July 23, 1990, by Bill and Erlinda Foulfont and Ralph J. and Alicia Garcia to appropriate 0.03 c.f.s. of water from an underground source for quasi-municipal purposes within the S1/2 SW1/4 NW1/4 NE1/4 Section 14, T.20S., R.52E., M.D.B.&M. The point of diversion is described as being within the NW1/4 NE1/4 Section 20, T.20S., R.52E., M.D.B.&M.¹

FINDINGS OF FACT

I.

Application 55114 has its point of diversion located within the area described as the Pahrump Valley Artesian Ground Water Basin on what is known as the Pahrump Fan.¹

II.

By Order No. 955 dated October 26, 1987, the State Engineer declared that all applications filed to appropriate water for quasi-municipal purposes from the Pahrump Valley Artesian Basin which are located "on the fan" will be denied.²

¹ Public record in the office of the State Engineer.

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.

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

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 where⁵:

- 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, 3496, 3505 and 3607 are incorporated in this ruling by reference.¹

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, 3496, 3505 and 3607.

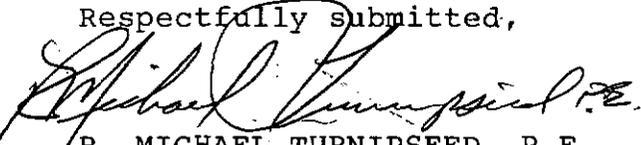
⁴ NRS Chapters 533 and 534.

⁵ NRS 533.370(2)(3)

RULING

Application 55114 is herewith denied on the grounds that the granting thereof would conflict with existing rights and be detrimental to the public interest.

Respectfully submitted,



R. MICHAEL TURNIPSEED, P.E.
State Engineer

RMT/KH/pm

Dated this 5th day of
December, 1990