

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

IN THE MATTER OF APPLICATION 56276)
FILED TO APPROPRIATE THE PUBLIC WATERS)
OF AN UNDERGROUND SOURCE WITHIN THE)
PAHRUMP VALLEY ARTESIAN GROUND WATER)
BASIN, NYE COUNTY, NEVADA.)

RULING
3809

GENERAL

I.

Application 56276 was filed on May 8, 1991, by Robert Bolling to appropriate 0.05 c.f.s. of water from an underground source for commercial purposes within a portion of the NE1/4 SE1/4 Section 11, T.20S., R.53E., M.D.B.&M. The point of diversion is described as being within the NE1/4 SE1/4 Section 11, T.20S., R.53E., M.D.B.&M.¹

FINDINGS OF FACT

I.

Application 56276 has its point of diversion located within the area described as the Pahrump Valley Artesian Ground Water Basin and the area designated as the Pahrump Fan.²

II.

By Order No. 955 dated October 26, 1987, the State Engineer declared that all applications filed to appropriate water for all

¹ Public record in the office of the State Engineer.

² United States Geological Survey Water Supply Paper 1832, Plate 1.

purposes from the Pahrump Valley Artesian Basin which are located "on the fan" will be denied.³

Several applications to appropriate ground water for commercial purposes located on the Pahrump Fan 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.⁴

CONCLUSIONS

I.

The State Engineer has jurisdiction of the parties and the subject matter of this action.⁵

II.

The State Engineer is prohibited by law from granting a permit under an application to appropriate the public waters where⁶:

- A. There is no unappropriated water at the proposed source,
or

³ 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.

⁴ 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.

⁵ NRS Chapters 533 and 534.

⁶ NRS 533.370(2) (3).

- B. The proposed use conflicts with existing rights, or
- C. The proposed use threatens to prove detrimental to the public welfare.

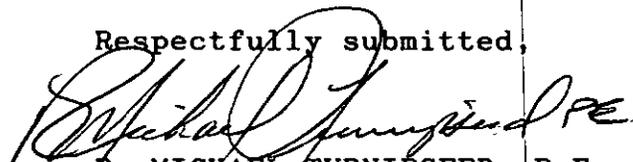
III.

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.⁶ State Engineer's Rulings 2836, 3462, 3486 and 3505 are incorporated in this ruling by reference.¹

RULING

Application 56276 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/bk

Dated this 18th day of
June, 1991.