

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

IN THE MATTER OF APPLICATION 58510 FILED)
TO APPROPRIATE THE PUBLIC WATERS OF AN)
UNDERGROUND SOURCE WITHIN THE PAHRUMP)
VALLEY ARTESIAN GROUND WATER BASIN, NYE)
COUNTY, NEVADA.)

RULING
3941

GENERAL

I.

Application 58510 was filed on February 3, 1993, by Richard L. Patrick, Jr. to appropriate 0.008 c.f.s. of water from an underground source for commercial purposes within a portion of the SE1/4 SW1/4 Section 34, T.19S., R.53E., M.D.B.&M. The point of diversion is described as being within the SE1/4 SW1/4 Section 34, T.19S., R.53E., M.D.B.&M.¹

FINDINGS OF FACT

I.

Application 58510 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 purposes from the Pahrump Valley Artesian Basin which are located "on the fan" will be denied.³

¹ Public record in the office of the State Engineer.

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

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.

Several applications to appropriate ground water for commercial purposes located on 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 water where⁶:

- 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.⁶ State Engineer's Rulings 1854, 1897, 1918, 2836, 3216, 3248, 3758 and 3809 are incorporated in this ruling by reference.¹

⁴ Public record in the office of the State Engineer. See State Engineer's Ruling Nos. 1854, 1897, 1918, 2836, 3216, 3248, 3758 and 3809.

⁵ NRS Chapters 533 and 534.

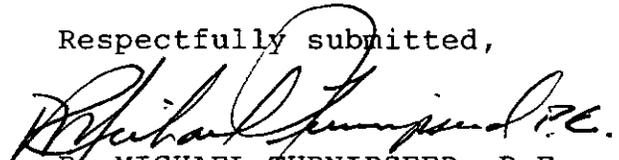
⁶ NRS 533.370(3).

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Application 58510 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 1st day of
March, 1993.