

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

IN THE MATTER OF APPLICATION 59705)  
FILED TO APPROPRIATE THE PUBLIC )  
WATERS OF AN UNDERGROUND SOURCE )  
WITHIN THE PAHRUMP VALLEY ARTISAN )  
GROUND WATER BASIN (162), NYE )  
COUNTY, NEVADA. )

RULING

# 4162

GENERAL

I.

Application 59705 was filed on January 18, 1994, by Philip C. Hulse, Agent, on behalf of Paul Kitzman, to appropriate 0.22 cubic feet per second (c.f.s.) of water from an underground source for domestic use to serve four (4) mobile homes located in the NE $\frac{1}{4}$  NE $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 33, T.19S., R.53E., M.D.B.&M. The proposed point of diversion is located within the NE $\frac{1}{4}$  NE $\frac{1}{4}$  SW $\frac{1}{4}$  of said Section 33.<sup>1</sup>

II.

The State Engineer in his administrative capacity is empowered to make such rules, regulations and orders as are deemed essential for the welfare of the area involved.<sup>2</sup> Under this authority, the State Engineer designated a portion of the Pahrump Valley artisan Basin as a basin in need of additional administration.<sup>3</sup> Later, the State Engineer expanded that designation to include all of T.19S., R.53E., M.D.B.M., in which the proposed place of use and point of diversion under Application 59705 are located.<sup>4</sup>

<sup>1</sup> File 59705, official record in the office of the State Engineer.

<sup>2</sup> NRS 533.120.

<sup>3</sup> State Engineer's Order no. 176, dated March 11, 1941, official records in the Office of the State Engineer.

<sup>4</sup> State Engineer's Order No. 193, dated January 15, 1948, official records in the Office of the State Engineer.

On October 26, 1987, the State Engineer ordered that all applications filed to appropriate water from the Pahrump Valley Artisan Basin, for all uses except small commercial uses on the valley floor, will be denied.<sup>5</sup>

FINDINGS OF FACT

I.

Application 59705 was filed to appropriate underground water for domestic purposes for four (4) mobile homes, located within the Pahrump Valley Artisan Basin.<sup>1</sup> The State Engineer finds that Application 59705 must be denied in order to comply with the State Engineer's Order No. 955.

II.

The State Engineer has denied several applications to appropriate ground water for quasi-municipal (domestic) purposes within the Pahrump Valley on the grounds that the granting thereof would conflict with existing rights and be detrimental to the public interest.<sup>6</sup> The State Engineer finds that Application 59705 is for a similar use and within the same basin as those applications that were previously denied.

CONCLUSIONS

I.

The State Engineer has jurisdiction of the parties and the subject matter of this action.<sup>7</sup>

II.

The State Engineer must deny all applications to appropriate groundwater within the Pahrump Valley Artisan Basin for all uses except small commercial uses.<sup>5</sup>

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<sup>5</sup> State Engineer's Order no. 955, dated October 26, 1987, official records in the Office of the State Engineer.

<sup>6</sup> 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.

<sup>7</sup> NRS Chapters 533 and 534.

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 denied.<sup>8</sup>

IV.

The State Engineer concludes that Application 59705 was filed to appropriate water for a use other than small commercial use. Therefore, Application 59705 shall be denied in accordance with State Engineer's Order No. 955.

V.

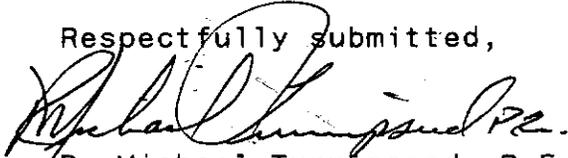
Previous applications for quasi-municipal (domestic) use have been denied in the past because their approval would conflict with existing rights and prove detrimental to the public interest.

The State Engineer concludes that the approval of Application 59705 would similarly conflict with existing rights and threaten to prove detrimental to the public interest. Therefore, Application 59705 shall be denied without publication.

RULING

Application 59705 is herewith denied on the grounds that the granting thereof would conflict with existing rights and would be detrimental to the public interest.

Respectfully submitted,

  
R. Michael Turnipseed, P.E.  
State Engineer

RMT/JK/pm

Dated this 1st day of  
February, 1995.

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<sup>8</sup> NRS 533.370