

IN THE MATTER OF APPLICATION 41496)
FILED BY RONALD R. & SANDRA K.)
SHARP, FOR PERMISSION TO CHANGE)
THE POINT OF DIVERSION, PLACE OF)
USE & MANNER OF USE OF A PORTION)
OF PERMIT 23196 IN THE PAHRUMP)
VALLEY GROUND WATER BASIN, NYE)
COUNTY, NEVADA)

RULING

162

FINDINGS OF FACT

I

Application 41496 was filed by Ronald R. & Sandra K. Sharp, on June 12, 1980, to change the point of diversion, place of use and manner of use of 0.27 c.f.s., a portion of water heretofore appropriated under Permit 23196. The proposed point of diversion is described as being within the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 36, Township 19 South, Range 52 East, M.D.B.&M. The proposed place of use is a portion of the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 36, T.19S., R.52E., M.D.B.&M. (20 acres) The proposed manner of use is for irrigation purposes.

II

The existing place of use of waters to be changed are 20 acres within the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 14, T.21S., Range 53 East, M.D.B.&M. under Permit 23196, Certificate 8041. The existing point of diversion is within the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 14, T.21S., R.53E., M.D.B.&M. The existing manner of use is for irrigation.

III

Permit 29352 was issued on August 27, 1975, for 0.27 c.f.s. to Ronald Sharp, changing the point of diversion and place of use of a portion of waters under Permit 23196, Certificate 8041. The existing place of use of waters that were changed was 20 acres within the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 14, T.21S., R.53E., M.D.B.&M.

IV

Application 41496 and Permit 29352 have the same existing place of use, being 20 acres within the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 14, T.21S., R.53E., M.D.B.&M. Permit 29352 has abrogated all the existing rights under Permit 23196 which Application 41496 has requested to change.

CONCLUSIONS

I

The State Engineer has jurisdiction of the parties and the subject matter of this action. 1/

II

The State Engineer is prohibited by law from granting a permit where:

- A. There is no unappropriated water at the proposed source, or
- B. The proposed use conflicts with existing rights. 2/

III

The existing place of use under Permit 29352 and application 41496 is the same 20 acres under Permit 23196. All rights on the existing place of use have been abrogated by Permit 29352. Therefore, there are no existing rights under this place of use which can be abrogated by application 41496.

RULING

Application 41496 is denied on the grounds that all rights on the existing place of use have been abrogated by Permit 29352. The granting of Application 41496 would conflict with existing rights.

Respectfully submitted,



Peter G. Morros
State Engineer

PGM/HR/lp

Dated this 27th day of
August, 1981.