

IN THE OFFICE OF THE STATE ENGINEER

IN THE MATTER OF APPLICATION 52596)
FILED TO APPROPRIATE THE PUBLIC)
WATERS OF AN UNDERGROUND SOURCE)
WITHIN THE PAHRUMP VALLEY)
DESIGNATED GROUNDWATER BASIN, NYE)
AND CLARK COUNTIES, NEVADA.)

RULING

GENERAL

Application 52596 was filed on October 11, 1988, by Robert H. Weiss and Freida Weiss to appropriate 0.01 c.f.s. of water from an underground source for quasi-municipal purposes to serve 3 mobile home lots within a portion of the SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 5, T.20S., R.53E., M.D.B.&M.¹

FINDINGS OF FACT

I.

Application 52596 has its point of diversion located within the area described as the Pahrump Valley Artesian Groundwater Basin.¹

II.

By Order No. 176, dated March 11, 1941, Order No. 193, dated January 15, 1948, and Order No. 205, dated January 23, 1953, the State Engineer designated a portion of the Pahrump Valley Groundwater Basin under the provisions of the underground water law (Chapter 178, Nevada Revised Statutes, 1939). Order No. 206, dated May 4, 1953, required the installation of a suitable measuring device for each and every permit holder in the Pahrump Valley Artesian Basin. Order No. 381, dated June 1, 1970, excluded irrigation from being a preferred use within the designated portion of the Pahrump Artesian Basin. The points of diversion for Applications 50898, 50899, 51321, 51331 through 51358 inclusive, 51391 and 51392 are located within the designated portion of the Pahrump Valley Groundwater Basin.¹

¹ Public record in the office of the State Engineer.

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

III.

Several applications to appropriate groundwater 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 where:⁵

- 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.

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.

³ See State Engineer's Ruling Nos. 1854, 1897, 1918, 2836, 3216, 3248, 3462 and 3486. Public record in the office of the State Engineer.

⁴ NRS Chapters 533 and 534.

⁵ NRS Chapter 533.370.

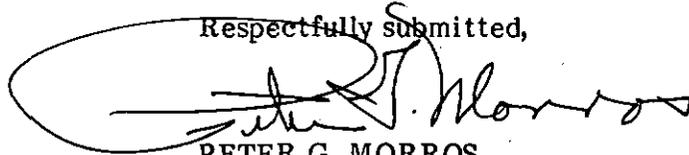
III.

The State Engineer is authorized to deny an application prior to the publication when a previous application for a similar use of water within the same basin has been rejected.⁴ State Engineer's Rulings 1854, 1897, 1918, 2836, 3248, 3462 and 3486 are incorporated in this ruling by reference.¹

RULING

Application 52596 is herewith denied on the grounds that the granting thereof would conflict with existing rights and be detrimental to the public interest.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Peter G. Morros", is written over a large, hand-drawn oval. The signature is written in dark ink on a white background.

PETER G. MORROS
State Engineer

PGM/SW/bk

Dated this 1st day of

August, 1989.