

IN THE MATTER OF APPLICATIONS)
8830 AND 8845 FILED FOR THE)
WATERS OF UNDERGROUND SOURCES)
IN LAS VEGAS ARTESIAN BASIN IN)
CLARK COUNTY, NEVADA.)

R U L I N G

Application 8830 was filed on February 15, 1929 by Earl L. Moser to divert 1.0 c.f.s. of the waters of an underground source to be diverted within the SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 1, T.22S., R.62E., M.D.B.&M. for the irrigation of 40 acres of land within the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of said Section 1 and domestic purposes.

Application 8845 was filed March 8, 1929 by Earl L. Moser to appropriate 0.4 c.f.s. from an underground source to be diverted within the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 21, T.22S., R.62E., M.D.B.&M. and to be commingled with the waters of Application 8830 for the irrigation of the same 40 acres of land within the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of said Section 1.

Permits were granted under both these applications on September 14, 1929; each for 0.4 c.f.s. Proofs of Commencement of Work were filed under both these permits on March 1, 1930. Proof of Completion of Work was filed under 8830 on March 1, 1930 and Proof of Completion of Work under Permit 8845 on July 30, 1931. Proofs of Beneficial Use were filed under both permits on September 5, 1935. Each proof was filed for 0.01 c.f.s. for the irrigation of one acre of land and domestic purposes.

These permits were transferred to M. E. Ward and D. H. Johnston who filed Applications 10825 and 10826 on May 15, 1942 to change the manner of use of Permits 8830 and 8845 from irrigation and domestic to quasi-municipal.

Permits were granted under Applications 10825 and 10826 on January 31, 1944. These permits were voluntarily withdrawn on September 9, 1949 by a note signed by M. E. Ward stating "We have water in Pittman from Henderson, Nevada and we will not use wells".

Any right that would have remained under Permits 8830 and 8845 by virtue of the withdrawal of Permits 10825 and 10826 is questionable. A permittee under 8830 and 8845 would not submit a cultural map as required by the terms of the permits.

RULING:

Permits 8830 and 8845 are herewith cancelled on the grounds that the permittee failed to comply with the provisions of the permit.

Respectfully submitted,


Roland D. Westergard
State Engineer

RDW/TJS/lk

Dated this 11th day
of May, 1976.