

IN THE MATTER OF APPLICATION 45978 }
FILED TO APPROPRIATE UNDERGROUND }
WATER IN PAHRUMP VALLEY, CLARK AND }
NYE COUNTIES, NEVADA. }

R U L I N G

INTRODUCTION

Application 45978 was filed to appropriate water from an underground source in the Pahrump Artesian Ground Water Basin, Nye County, Nevada.

FINDINGS OF FACT

I

Application 45978 was filed by Norman and Carol Forsythe on July 26, 1982 to appropriate 0.0602 c.f.s. of underground water for irrigation and domestic purposes. The point of diversion is within the SW $\frac{1}{4}$, NW $\frac{1}{4}$ of Section 2, T.21S., R.53E., M.D.B.&M., and the place of use is 3 acres in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 2, T.21S., R.53E., M.D.B.&M. 1/

II

The State Engineer has designated the Pahrump Artesian Basin as provided under NRS 534.010 to 534.190, inclusive, by the following Orders:

1. Order No. 176 dated March 11, 1941.
2. Order No. 193 dated January 15, 1948, extending the boundary of the Pahrump Artesian Basin.
3. Order No. 205 dated January 23, 1953, extending the boundary of the Pahrump Artesian Basin. 2/

III

By the authority granted under the provisions of NRS 534.120, Section 1, when the ground water basin was being depleted, the State Engineer on January 19, 1965, instituted additional administration of the resource to the effect that permits to appropriate underground water for the development and irrigation of new land would not be allowed within the Pahrump Artesian Basin and, as regards appropriation for irrigation use, only applications to appropriate ground water to supplement existing water rights have been granted since that time. 3/

IV

By Order No. 381 dated June 1, 1970, the State Engineer curtailed the issuance of permits to appropriate ground water for irrigation purposes within the designated Pahrump Artesian Basin. 4/

V

NRS 533.370, subsection 3, states that where there is no unappropriated water in the proposed source of supply, or where its proposed use or change conflicts with existing rights or threatens to prove detrimental to the public interest, the State Engineer shall reject the application and refuse to issue the permit asked for. Where a previous application for a

similar use of water within the same basin has been rejected on these grounds, the new application may be denied without publication. Previously six (6) applications have been denied to appropriate the underground waters of the Pahrump Artesian Basin for irrigation purposes. 5/

RULING

Application 45978 is hereby denied on the grounds that it is a new application to appropriate the underground water of the Pahrump Artesian Basin in which previous applications have been rejected for irrigation for the reasons that they would conflict with existing water rights and threaten to prove detrimental to the public welfare.

Respectfully submitted,



PETER G. MORROS
State Engineer

PGM/GB/b1

Dated this 5th day of

November, 1982.

FOOTNOTES

1. Public records in the State Engineer's Office.
2. Public records in the State Engineer's Office.
3. Public records in the State Engineer's Office.
4. Public records in the State Engineer's Office.
5. Public records in the State Engineer's Office.