

IN THE OFFICE OF THE STATE ENGINEER

IN THE MATTER OF APPLICATIONS 51893)
AND 52140 FILED TO APPROPRIATE THE)
PUBLIC WATERS OF AN UNDERGROUND)
SOURCE WITHIN THE PAHRUMP VALLEY) RULING
ARTESIAN GROUND WATER BASIN, NYE)
COUNTY, NEVADA.)

GENERAL

I.

Application 51893 was filed on March 3, 1988, by David Klo to appropriate 0.05 c.f.s. of water from an underground source for quasi-municipal purposes within the N1/2 SE1/4 SE1/4 SW1/4 Section 20, T.20S., R.53E., M.D.B.&M. The point of diversion is described as being within the SE1/4 SW1/4 Section 20, T.20S., R.53E., M.D.B.&M.¹

Application 52140 was filed on May 27, 1988, by Melva Dene Myers to appropriate 0.002 c.f.s. of water from an underground source for quasi-municipal (domestic) purposes within the SW1/4 NW1/4 Section 36, T.20S., R.52E., M.D.B.&M. The point of diversion is described as being within the SW1/4 NW1/4 Section 36, T.20S., R.52E., M.D.B.&M.¹

FINDINGS OF FACT

I.

Applications 51893 and 52140 have their respective points of diversion located within the area described as the Pahrump Valley Artesian Ground Water Basin.¹

II.

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

¹ Public record in the office of the State Engineer.

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.

Several applications to appropriate ground water 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 where⁵:

- 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.

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 rejected.⁵ State Engineer's Rulings 1854, 1897, 1918, 2836, 3216, 3248, 3462, 3486, 3496, 3505 and 3607 are incorporated in this ruling by reference.¹

³ 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.

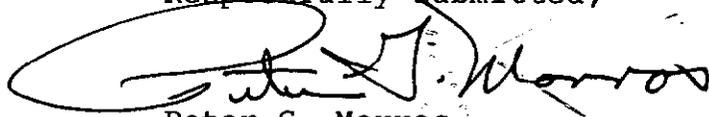
⁴ NRS Chapters 533 and 534.

⁵ NRS 533.370(2)(3)

RULING

Applications 51893 and 52140 are 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 black ink, appearing to read "Peter G. Morros", is written over a circular stamp. The signature is fluid and cursive.

Peter G. Morros
State Engineer

PGM/MA/pm

Dated this 23rd day of
January, 1990