

IN THE OFFICE OF THE STATE ENGINEER
OF THE STATE OF NEVADA

IN THE MATTER OF APPLICATION 57773 FILED)
TO APPROPRIATE THE PUBLIC WATERS FROM AN)
UNDERGROUND SOURCE WITHIN THE DESIGNATED)
PAHRUMP VALLEY ARTESIAN BASIN (162), NYE)
COUNTY, NEVADA.)

RULING

4239

GENERAL

I.

Application 57773 was filed on June 22, 1992, by H. Nadine Lacefield to appropriate 0.075 cfs of water from an underground source for commercial and domestic purposes for use within the NW $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 25, T.19S., R.52E., M.D.B.&M. The point of diversion is described as being in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 25, T.19S., R.52E., M.D.B.&M.¹

II.

In accordance with NRS 534.030, the State Engineer designated and described the Pahrump Artesian Basin as a ground water basin in need of additional administration.² Over time the boundaries of the designated area of the Pahrump Artesian Basin were expanded³ and restrictions placed on the use of water from the basin for particular purposes.⁴

¹ File No. 57773, official records in the Office of the State Engineer.

² State Engineer's Order No. 176, dated March 11, 1941, official records in the Office of the State Engineer.

³ State Engineer's Order No. 193, dated January 15, 1948; State Engineer's Order No. 205, dated January 23, 1953, official records in the Office of the State Engineer.

⁴ State Engineer's Order No. 381, dated June 1, 1970; State Engineer's Order No. 955, dated October 26, 1987, official records in the Office of the State Engineer.

FINDINGS OF FACT

I.

The State Engineer finds that the point of diversion under Application 57773 is located within the area described as the Pahrump Valley Artesian Basin.⁵

II.

The State Engineer finds that while Application 57773 identified that the proposed use of the water was for commercial and domestic purposes, the proposed manner of use is actually for quasi-municipal purposes, and not commercial purposes, because under Item 4(c) the application states that the water is to be used for rental housing units and under Item 12 it states that 2 houses are to be served.¹

III.

By Order No. 955, issued October 26, 1987, the State Engineer declared that all applications filed to appropriate ground water from the Pahrump Valley Artesian Basin for quasi-municipal purposes would be denied.⁶

IV.

The State Engineer finds several applications to appropriate ground water for quasi-municipal purposes within the Pahrump Valley Artesian Basin were previously denied on the grounds that the granting of the permits would conflict with existing rights and be detrimental to the public interest.⁷

⁵ State Engineer's Order No. 205, dated January 23, 1953, official records in the Office of the State Engineer.

⁶ State Engineer's Order No. 955, dated October 26, 1987, official records in the Office of the State Engineer.

⁷ State Engineer's Ruling No. 1854, dated May 17, 1972; State Engineer's Ruling No. 1918, dated June 27, 1973; State Engineer's Ruling No. 2836, dated November 7, 1983; State Engineer's Ruling No. 3216, dated July 25, 1985; State Engineer's Ruling No. 3248, dated November 8, 1985; State Engineer's Ruling No. 3462, dated September 25, 1987; State Engineer's Ruling No. 3486, dated January 11, 1988; State Engineer's Ruling No. 3496, dated March 3, 1988; State Engineer's Ruling No. 3505, dated March 25, 1988, official records in the Office of the State Engineer.

CONCLUSIONS

I.

The State Engineer has jurisdiction over the parties and the subject matter of this action.⁸

II.

The State Engineer is prohibited by law from granting a permit under an application to appropriate the public waters where:⁹

- 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 interest.

III.

The State Engineer concludes that the manner of use proposed under Application 57773 is quasi-municipal use.

IV.

The State Engineer concludes that to grant a permit for this application would be in violation of State Engineer's Order No. 955, would conflict with existing rights and would be detrimental to the public interest.

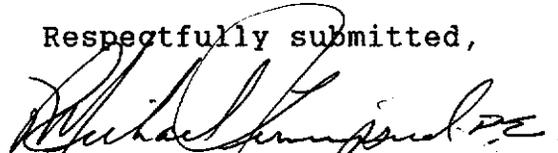
⁸ NRS Chapters 533 and 534.

⁹ NRS 533.370(3).

RULING

Application 57773 is denied on the grounds that granting the application would violate an order of the State Engineer, would conflict with existing rights and would be detrimental to the public interest.

Respectfully submitted,



R. MICHAEL TURNIPSEED, P.E.
State Engineer

RMT/KH/CAB/ab

Dated this 24th day of
October, 1995.