

IN THE MATTER OF APPLICATION NO. 14654 FILED BY
C. H. AND THEO M. ELSTNER TO CHANGE THE POINT OF
DIVERSION OF A PORTION OF THE UNDERGROUND WATER
(LAS VEGAS ARTESIAN BASIN) HERETOFORE APPROPRIATED
UNDER PERMIT NO. 13663. }
: RULING

GENERAL

Application No. 13663 was filed on March 23, 1951 by C. H. and Theo M. Elstner for the waters of an underground source (Las Vegas Artesian Basin). On July 20, 1951 a permit was granted for 2.0 c.f.s. for irrigation and domestic use. On December 13, 1951 proof of commencement of work was filed which showed that a 10 inch well had been drilled to a depth of 455 feet. This well produces only about 0.50 c.f.s., which would be the limit of the actual appropriation made under this permit, No. 13663.

Application 14654 contemplates drilling a well approximately one-half mile east of the well drilled under Permit No. 13663 and the water is to be used on identical lands.

OPINION and RULING

It is the opinion of the State Engineer that there has been no water appropriated under Permit No. 13663 that is subject to the change contemplated in Application No. 14654, and that the granting of a permit under Application No. 14654 would be in effect the granting of a new right and not a change in point of diversion of water heretofore appropriated.

Application No. 14654 is therefore denied on the grounds that it is contrary to the Nevada Water Laws.

Respectfully submitted,

HUGH A. SHAMBERGER
State Engineer

By *Edmund Muth*

April 2, 1953.

EDMUND MUTH
Assistant State Engineer