

IN THE MATTER OF APPLICATION 25505 )  
FILED BY M. J. DiBIASE, DBA EQUESTRIAN )  
ESTATES COOPERATIVE WATER ASSOCIATION, )  
TO CHANGE THE POINT OF DIVERSION OF )  
PERMIT 24630 FROM AN UNDERGROUND SOURCE )  
IN THE LAS VEGAS ARTESIAN BASIN, CLARK )  
COUNTY, NEVADA. )

R U L I N G

GENERAL:

217 Application 25505 was filed on March 23, 1970, by M.J. DiBiase, dba Equestrian Estates Cooperative Water Association to change the point of diversion of 0.05 c.f.s. but not to exceed 9.0 million gallons of water annually heretofore granted under Permit 24630 for quasi-municipal (subdivision) purposes. The proposed point of diversion and place of use is described as within the SE $\frac{1}{4}$ SE $\frac{1}{4}$  Section 1, T.22S., R.61E., M.D.B.&M.

Protest to the granting of a permit under Application 25505 was filed on May 29, 1970, by Mary E. Habbart on the grounds that water diverted under this application would adversely effect a prior right from an artesian well in which the protestant is a part owner.

Field investigation by the Las Vegas Branch Office of the Division of Water Resources indicates that the proposed point of diversion under Application 25505 was nearly 1,200 feet southeast of the proposed well site under Permit 24630 and also this additional distance from the well which is the subject of the protest by Mary E. Habbart.

Nevada Revised Statutes 534.110 includes the provision that it shall be an express condition of each appropriation that the right of the appropriator shall relate to a specific quantity of water and that such right must allow for a reasonable lowering of the static water level at the appropriator's point of diversion. In determining such reasonable lowering of the static water level in a particular area, the State Engineer shall consider the economics of pumping water for the general type of crops growing and may also consider the effect of water use on the economy of the area in general. It is the State Engineer's opinion that approving the proposed appropriation under Application 25505 is in the interest of the economy of the area.

In accordance with Nevada Revised Statutes 534.035, Application 25505 was considered by the Las Vegas Valley Ground Water Board on August 11, 1970. The applicant was

represented at the said meeting and the protestant was present. Both presented information to the Board. The Board subsequently recommended that the application be approved subject to revocation if and when water can be furnished by an entity such as a water district or a municipality engaged in furnishing water.

RULING

The protest to the granting of a permit to Application 25505 is herewith overruled on the grounds that approval of this application to change the point of diversion of an existing water right will not adversely affect prior rights. A permit will be granted to Application 25505 subject to revocation if and when water can be furnished by an entity such as a water district or a municipality engaged in furnishing water with the provision that the diversion of water is limited to 0.05 c.f.s. and not to exceed 9.0 million gallons per year to serve twenty-four (24) residential units.

Respectfully submitted,

  
Roland D. Westergard  
State Engineer

RDW:WJN:jw

Dated this 20th day of  
August, 1970.