

IN THE MATTER OF APPLICATIONS )  
28300 AND 28997 FILED BY )  
DOUG FERGUSON IN CLARK COUNTY, )  
NEVADA )

R U L I N G

212

GENERAL:

Application 28300 was filed on May 1, 1974, by Doug Ferguson for permission to appropriate 0.25 cfs of water from an underground source for quasi-municipal (three residences) and domestic purposes. The point of diversion is located within the SE $\frac{1}{4}$  SW $\frac{1}{4}$  Section 19, T.21S., R.62E., M.D.M., and the place of use is described as within the same 40-acre subdivision as the point of diversion. The period of use to be from January 1 to December 31 of each year.

Application 28997 was filed on December 5, 1974, to correct the point of diversion as filed under Application 28300 by Doug Ferguson for 0.25 c.f.s. of water from an underground source for quasi-municipal (three residences) and domestic use. The existing point of diversion is located at a point within the SE $\frac{1}{4}$  SW $\frac{1}{4}$  Section 19, T.21S., R.62E., M.D.M. The place of use is described as within the SE $\frac{1}{4}$  SW $\frac{1}{4}$  Section 19, T.21S., R.62E., M.D.M. The period of use to be from January 1 to December 31 of each year.

A protest to the granting of Application 28997 was filed on March 12, 1975, by the Las Vegas Valley Water District on the grounds that the District can provide water of sufficient pressure and quantity to the proposed point of diversion.

A field investigation was held in the matter of protested Application 28997 on June 4, 1975. The report of field investigation is a matter of record in the office of the State Engineer.

OPINION:

It is the opinion of this office that water service is available within reasonable physical and economical limits to provide water service to the three (3) single family residences from the facilities of the Las Vegas Valley Water District.

RULING:

Application 28300 is herewith denied on the grounds that an adequate supply of water is available from the entity presently serving water and that the granting of a permit would adversely affect existing rights and be detrimental to the public interest. The protest to the granting of Application 28997 to change Application 28300 is hereby upheld on the further grounds that with denial of Application 28300 there is no right to be changed.

Respectfully submitted,

  
Roland D. Westergard  
State Engineer

RDW/WJN/dc

Dated this 29th day  
of March 1977.