

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

IN THE MATTER OF THE REINSTATEMENT)
OF REVOKED PERMIT 40993 IN THE)
LAS VEGAS ARTESIAN BASIN, CLARK)
COUNTY, NEVADA.)

RULING

GENERAL

I.

Application 40993 was filed on April 1, 1980, by Tony J. Pelham to appropriate 0.04 c.f.s. of water from an underground source for quasi-municipal purposes within the S1/2 S1/2 SW1/4 Government Lot 1 Section 31, T.21S., R.62E., M.D.B.&M. The point of diversion is described as being within the NW1/4 NW1/4 Section 31, T.21S., R.62E., M.D.B.&M.¹

The above application was approved and a revokable permit was issued on December 9, 1980.¹

FINDINGS OF FACT

I.

By a certified mail notice dated September 18, 1989, the permittee and the owners of record in the office of the Assessor of Clark county, Nevada of the place of use for the permit were advised that the State Engineer intended to revoke the permit within sixty (60) days from the date of the notice. Said notice stated that a hearing may be requested within thirty (30) days from the date of the notice.¹

No hearing was requested for the above permit.¹

¹ Public record in the office of the State Engineer.

II.

On November 22, 1989, Permit 40993 was revoked by Order Number 1013, based on water being available from a Las Vegas Valley Water District main on the west side of Pecos Road.² This water main was later determined to be in the next higher pressure zone making the closest available water at the corner of Pecos and Russell, approximately 1,200 feet distant.

III.

Upon receipt of the revocation Order, Gary R. Holman submitted a letter stating, "I am the owner of lot #1 in the parcel of four lots allowed on this well. I am located at the corner of Pecos and Oquendo or 5880 South Pecos. The well is located on lot #2 and of the four lots, I am the only building and user of the well. I am on a 1/2 acre lot rezoned C-P Professional and operate my security guard service from this location. I have contacted the Las Vegas Valley Water District and been told that the nearest available water to me is 1/4 mile away at Russell and Pecos, as the water across Pecos is in a different pressure zone and not available for my use. I am more than willing to hook up to water when it is available, but right now the well is my only source of water."¹

IV.

A review of the records under permit 40993 discloses that Mr. Holman was not listed as an owner of record at the time of the notification of impending revocation.¹

CONCLUSION

I.

The State Engineer has jurisdiction of the parties and the subject matter of this action and determination.³

² Order No. 1013 dated November 22, 1989, public record in the office of the State Engineer.

³ NRS Chapter 533.

II.

Water service from the Las Vegas Valley District is beyond the reach of the permittee.

RULING

The revocation of Permit 40993 is hereby rescinded until such a time as water becomes available to the subject property.

Permit 40993 will be reviewed for possible revocation on an annual basis.

Respectfully submitted,


R. MICHAEL TURNIPSEED, P.E.
State Engineer

RMT/MA/pm

Dated this 21st day of

May, 1990