

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

IN THE MATTER OF APPLICATIONS 49975, )  
51299 AND 51458 FILED TO APPROPRIATE )  
THE PUBLIC WATERS OF AN UNDERGROUND )  
SOURCE IN THE LAS VEGAS ARTESIAN )  
BASIN, CLARK COUNTY, NEVADA. )

RULING  
**# 4145**

GENERAL

I.

Application 49975 was filed July 11, 1986, by Charles D. Hale to appropriate 0.03 cfs (cubic feet per second) of water from an underground source for quasi-municipal purposes to serve 2 homes located within the SE $\frac{1}{4}$  SE $\frac{1}{4}$  SW $\frac{1}{4}$  SW $\frac{1}{4}$  Section 34, T.19S., R.60E., M.D.B.&M. The point of diversion is described as being within the SW $\frac{1}{4}$  SW $\frac{1}{4}$  of said Section 34. Application 49975 became ready for action by the State Engineer October 9, 1986.<sup>1</sup>

Application 51299 was filed September 14, 1987, by Ron Kell and Bobbie Kell to appropriate 0.5 cfs of water from an underground source for quasi-municipal purposes to serve 8 lots located within the W $\frac{1}{2}$  E $\frac{1}{2}$  SW $\frac{1}{4}$  NE $\frac{1}{4}$  Section 4, T.20S., R.60E., M.D.B.&M. The point of diversion is described as being within the SW $\frac{1}{4}$  NE $\frac{1}{4}$  of said Section 4. Application 51299 became ready for action by the State Engineer April 24, 1988.<sup>2</sup>

Application 51458 was filed October 26, 1987, by David G. Stoeckle and Sandra L. Stoeckle to appropriate 0.02 cfs for quasi-municipal and domestic purposes to serve 4 residential lots located within the N $\frac{1}{2}$  E $\frac{1}{2}$  NE $\frac{1}{4}$  SW $\frac{1}{4}$  SE $\frac{1}{4}$  Section 4, T.21S., R.60E., M.D.B.&M. The point of diversion is described as being within the SW $\frac{1}{4}$  SE $\frac{1}{4}$  of

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<sup>1</sup> Public record in the office of the State Engineer, Application 49975.

<sup>2</sup> Public record in the office of the State Engineer, Application 51299.

said Section 4. Application 51458 became ready for action by the State Engineer March 12, 1988.<sup>3</sup>

## II.

The State Engineer described and designated the Las Vegas Artesian Basin under the provisions of Nevada Revised Statutes (NRS) Chapter 534 as a basin in need of additional administration.<sup>4</sup>

## III.

The proposed points of diversion and places of use of Applications 49975, 51299 and 51458 are located within the service area of the Las Vegas Valley Water District.<sup>5</sup>

### FINDINGS OF FACT

#### I.

The Las Vegas Valley Water District is able to provide water service to the proposed place of use of Application 49975 through an existing water line in Lone Mountain Road on the south side of the place of use.<sup>6</sup>

Water service is already provided by the Las Vegas Valley Water District to Lots 1 and 4 in the proposed place of use of Application 51299 through an existing water line in Valdez Street. Water service is available to the other lots from the same water line.<sup>5,7</sup>

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<sup>3</sup> Public record in the office of the State Engineer, Application 51458.

<sup>4</sup> State Engineer's Order No's. 175, 182, 189, 249, 275 and 833, official records in the office of the State Engineer.

<sup>5</sup> Public records in the office of the State Engineer, Hydrographic Basin Abstract 13-212 and Las Vegas Valley Water District Service Area Maps.

<sup>6</sup> Public record in the office of the State Engineer, letter dated April 9, 1990, from the Las Vegas Valley Water District filed in Application 49975.

<sup>7</sup> Public records in the office of the State Engineer, letter dated April 9, 1990, from the Las Vegas Valley Water District, and Report of Field Investigation by staff dated December

Water service can be provided by the Las Vegas Valley Water District to the proposed place of use of Application 51458 through an existing water line in O'Bannon Avenue which borders the north side of the proposed place of use.<sup>5,8</sup>

The State Engineer finds that Applications 49975, 51299 and 51458 seek to appropriate groundwater in areas that are presently served by the Las Vegas Valley Water District.

## II.

The perennial yield of the Las Vegas Artesian Basin is estimated to be 25,000 AFA.<sup>9</sup> In addition, about 16,000 AFA of secondary recharge enters the groundwater from wastewater treatment and disposal and from the irrigation of lawns, golf courses, and parks. The source of this water is Lake Mead, imported by the Southern Nevada Water Project.<sup>10</sup>

The quantity of water pumped from the groundwater in 1992 was 67,972 acre feet.<sup>11</sup> This amount of pumping represents an overdraft of about 27,000 AFA. Over the years, the overdraft of the groundwater has caused a lowering of the water table which in turn

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21, 1989, both filed in Application 51299.

<sup>8</sup> Public records in the office of the State Engineer, Reports of Field Investigation by staff dated April 30, 1990 and December 21, 1989, filed in Application 51458.

<sup>9</sup> United States Geological Survey Water Supply Paper No. 1780, Glenn T. Malmberg, 1965.

<sup>10</sup> Water Resources Bulletin No. 44, office of the State Engineer and the United States Geological Survey, 1976.

<sup>11</sup> Data collected by the Division of Water Resources, State of Nevada, Las Vegas Branch. Pumpage inventories are maintained by meter readings and data provided by local water companies. Water levels of selected wells within the Las Vegas Valley Basin are measured periodically. The State Engineer's office and U.S. Geological Survey have cooperatively maintained groundwater level monitoring networks in the Las Vegas Valley since 1945. This record is substantial and conclusive evidence of deteriorating groundwater conditions.

led to as much as five feet of land subsidence in some areas of Las Vegas.<sup>12</sup> The State Engineer finds that approval of Applications 49975, 51299 and 51458 threatens to prove detrimental to the public interest by further lowering the groundwater table and increasing the potential for land subsidence. In addition, the State Engineer finds that approval of Applications 49975, 51299 and 51458 would conflict with existing water rights.

CONCLUSIONS

I.

The State Engineer has jurisdiction of the parties and the subject matter of this action.<sup>13</sup>

II.

The State Engineer may deny applications to appropriate groundwater in a designated basin for any purpose in areas served by an entity such as a water district or a municipality presently engaged in furnishing water to the inhabitants thereof.<sup>14</sup>

III.

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

- 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.<sup>15</sup>

IV.

The State Engineer concludes that Applications 49975, 51299 and 51458 should be denied, because water service can be provided

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<sup>12</sup> Nevada Bureau of Mines in Geology Bulletin No. 95, John W. Bell, 1981.

<sup>13</sup> NRS Chapters 533 and 534.

<sup>14</sup> NRS 534.120, subsections 1, 2 and 3.

<sup>15</sup> NRS Chapter 533.370 subsection 3.

by the Las Vegas Valley Water District from an existing water line adjacent to the proposed place of use of each application.

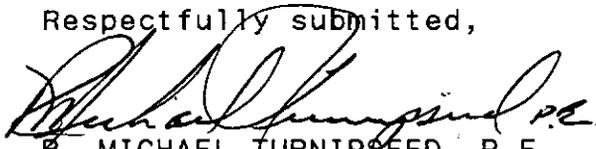
v.

The approval of Applications 49975, 51299 and 51458 would conflict with existing rights and would threaten to prove detrimental to the public interest.

RULING

Applications 49975, 51299 and 51458 are hereby denied on the grounds that water service can be provided by the Las Vegas Valley Water District and that to issue permits for these applications would conflict with existing rights and would threaten to prove detrimental to the public interest.

Respectfully submitted,



R. MICHAEL TURNIPSEED, P.E.  
State Engineer

RMT/CAB/pm

Dated this 18th day of  
October, 1994.