

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

IN THE MATTER OF APPLICATIONS 55832 AND )  
55833 FILED TO APPROPRIATE THE PUBLIC )  
WATERS OF AN UNDERGROUND SOURCE IN THE )  
LAS VEGAS ARTESIAN BASIN (212), CLARK )  
COUNTY, NEVADA. )

RULING

# 4165

GENERAL

I.

Application 55832 was filed on February 12, 1991, by Marc Lory to appropriate 0.1 cfs (cubic feet per second) of water from an underground source for quasi-municipal purposes within the SE $\frac{1}{4}$  NW $\frac{1}{4}$  Section 6, T.20S., R.58E., M.D.B.&M. The place of use is described as Assessor Parcel Numbers (APNs) 101-450-450-027, 101-450-450-030, 101-450-450-031 and 101-450-450-032. The point of diversion is described as within the SE $\frac{1}{4}$  NW $\frac{1}{4}$  of said Section 6. The duty is estimated to be 1.46 MGA (million gallons annually) to serve 4 houses. Application 55832 became ready for the State Engineer's action May 13, 1991.<sup>1</sup>

Application 55833 was filed on February 12, 1991, by Gerard J. Soussan to appropriate 0.1 cfs of water from an underground source for quasi-municipal purposes within the SE $\frac{1}{4}$  NW $\frac{1}{4}$  Section 6, T.20S., R.58E., M.D.B.&M. The place of use is described as Assessor Parcel Numbers (APNs) 101-450-450-025, 101-450-450-026, 101-450-450-028 and 101-450-450-029. The point of diversion is described as within the SE $\frac{1}{4}$  NW $\frac{1}{4}$  of said Section 6. The duty is estimated to be 1.46 MGA to serve 4 houses. Application 55833 became ready for the State Engineer's action May 20, 1991.<sup>2</sup>

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<sup>1</sup> Public record in the office of the State Engineer, Application 55832.

<sup>2</sup> Public record in the office of the State Engineer, Application 55833.

## II.

The State Engineer initially described and designated a portion of the Las Vegas Valley on January 10, 1941, under the provisions of NRS Chapter 534.120, as a basin in need of additional administration.<sup>3</sup>

The State Engineer subsequently extended the designated area of the Las Vegas Valley Groundwater Basin on February 29, 1944,<sup>4</sup> November 22, 1946,<sup>5</sup> April 18, 1961,<sup>6</sup> May 25, 1964,<sup>7</sup> and December 27, 1983.<sup>8</sup>

## III.

Permits issued in the Las Vegas Artesian Basin after March 24, 1955, are revocable rights for the temporary use of groundwater, and are subject to revocation when water can be furnished by an entity such as a water district or a municipality presently engaged in furnishing water.<sup>9</sup>

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<sup>3</sup> State Engineer's Order No. 175, dated January 10, 1941, public record in the office of the State Engineer.

<sup>4</sup> State Engineer's Order No. 182, dated February 29, 1944, public record in the office of the State Engineer.

<sup>5</sup> State Engineer's Order No. 189, dated November 22, 1946, public record in the office of the State Engineer.

<sup>6</sup> State Engineer's Order No. 249, dated April 18, 1961, public record in the office of the State Engineer.

<sup>7</sup> State Engineer's Order No. 275, dated May 25, 1964, public record in the office of the State Engineer.

<sup>8</sup> State Engineer's Order No. 833, dated December 27, 1983, public record in the office of the State Engineer.

<sup>9</sup> NRS Chapter 534.120, subsection 3(a).

FINDINGS OF FACT

I.

The perennial yield of the Las Vegas Artesian Basin is estimated to be 25,000 AFA.<sup>10</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.<sup>11</sup> The quantity of water pumped from the groundwater in 1992 was 67,972 acre feet.<sup>12</sup> The 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, has resulted in five feet of land subsidence in some areas of Las Vegas.<sup>13</sup> The State Engineer finds that the approval of Applications 55832 and 55833, which seek to appropriate additional groundwater, would contribute to the lowering of the groundwater table and increase the potential for land subsidence. The State Engineer further finds that it is not in the public interest to approve Applications 55832 and 55833.

II.

Much of the natural recharge to the Las Vegas Artesian Basin is from precipitation which falls on the Spring Mountains on the

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<sup>10</sup> United States Geological Survey Water Supply Paper No. 1780, Glenn T. Malmberg, 1965.

<sup>11</sup> Water Resources Bulletin No. 44, Office of the State Engineer and the United States Geological Survey, 1976.

<sup>12</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.

<sup>13</sup> Nevada Bureau of Mines and Geology Bulletin No. 95, John W. Bell, 1981.

west side of the basin.<sup>11</sup> The proposed points of diversion of Applications 55832 and 55833 are located in the Spring Mountains. These applications seek to appropriate groundwater which serves as one of the sources of recharge to the Las Vegas Artesian Basin. The subject groundwater is already appropriated by water right holders in the Las Vegas Artesian Basin. The State Engineer finds that the approval of Applications 55832 and 55833 would conflict with the many water rights already existing in the Las Vegas Artesian Basin.

### III.

The places of use of Applications 55832 and 55833 are in an area well outside the area served by the Las Vegas Valley Water District (District). At the present time the District has no future plans to provide water service to the area.<sup>14</sup> The State Engineer finds that Applications 55832 and 55833 cannot be issued under the revocable permitting system because the District has no future plans to serve this area.

### IV.

The Clark County Assessor's Office Map Book Index shows that the places of use of Applications 55832 and 55833, parcels identified as APNs 101-450-450-25 through 101-450-450-032, parcels located in the E $\frac{1}{2}$  SE $\frac{1}{4}$  NW $\frac{1}{4}$  Section 6, T.20S., R.58E., M.D.B.&M., are in the name of USA Bureau of Land Management.<sup>15</sup> The State Engineer finds that the applicants of Applications 55832 and 55833 do not own or control the land described as the places of use of these applications.

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<sup>14</sup> Public record in the office of the State Engineer, Applications 55832 and 55833, Las Vegas Valley Water District letter dated October 8, 1991.

<sup>15</sup> Public record in the office of the State Engineer, Clark County Assessor's Office Map Book Index, run date November 9, 1994, filed in Applications 55832 and 55833.

CONCLUSIONS

I.

The State Engineer has jurisdiction of the parties and the subject matter of this action and determination.<sup>16</sup>

II.

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>17</sup>

III.

For the past several years, the amount of groundwater withdrawal has exceeded the perennial yield within the Las Vegas Artesian Basin. The overpumping of the groundwater has caused water level declines, storage depletion, land subsidence, quality deterioration, and significant changes in the recharge-discharge relationship within the Las Vegas Artesian Basin. The approval of Applications 55832 and 55833 threatens to prove detrimental to the public interest in that these problems would become worse.

IV.

Applications 55832 and 55833 seek to appropriate groundwater, the rights to which are held by existing water right owners. Therefore, the approval of Applications 55832 and 55833 would conflict with existing water rights.

V.

The State Engineer concludes that permits issued under Applications 55832 and 55833 cannot be issued under the revocable permitting system authorized in NRS 534.120, subsection 3(a),

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<sup>16</sup> NRS Chapter 533.025 and NRS 533.030(1).

<sup>17</sup> NRS Chapter 533.370(3).

because the places of use of these applications are so remote from any public water system that water service could not be furnished by a water district or a municipality presently engaged in furnishing water.

VI.

The State Engineer concludes that the applicants cannot demonstrate the ability to place the water to beneficial use because they do not own or control the proposed place of use.

RULING

Applications 55832 and 55833 are hereby denied on the grounds that the granting of a permit would adversely affect existing rights and would be detrimental to the public interest.

Respectfully submitted,

  
R. MICHAEL TURNIPSEED, P.E.  
State Engineer

RMT/CAB/pm

Dated this 6th day of  
February, 1995.

## REFERENCES

State of Nevada, Department of Highways, Report on Land subsidence in Las Vegas Valley.

Ground-Water Storage Depletion in Pahrump Valley, Nevada-California, 1962-75, J.R. Harrill, Open File Report 81-635, United States Geological Survey, 1982, prepared in cooperation with Nevada Division of Water Resources.

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