

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

IN THE MATTER OF 47937 FILED TO APPROPRIATE)
THE PUBLIC WATERS OF AN UNDERGROUND SOURCE)
IN LAS VEGAS VALLEY ARTESIAN BASIN (212),)
CLARK COUNTY, NEVADA.)

RULING

4179

GENERAL

I.

Application 47937 was filed on March 27, 1984 by Cash A. Cummings to appropriate 0.01 cfs of water from an underground source for quasi-municipal purposes for two dwelling units. The point of diversion and place of use are located within the NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 21, T.20S., R.62E., M.D.B.&M.¹

II.

Application 47937 was timely protested by the Las Vegas Valley Water District, and the City of North Las Vegas submitted an informal protest on the basis that community water service was available to the proposed dwellings by the City of North Las Vegas Municipal Water System.¹

FINDINGS OF FACT

I.

Application 47937 was denied by the State Engineer by Ruling No. 4160 dated December 16, 1994. The basis of the denial was that water service could be provided to the two dwelling units by the City of North Las Vegas.²

The place of use of Application 49737 is located within the North Las Vegas water service area. By letter dated January 15, 1993, the City of North Las Vegas advised the State Engineer that water service could be provided to the subject two parcels by the

¹ Public record in the office of the State Engineer under Application 47937.

² See Ruling No. 4160 on file in the office of the State Engineer.

extension of an existing eight (8) inch water main located on an adjacent street 470 feet north and west of the proposed well site. The cost of extending the line and connecting to the North Las Vegas System was estimated to be \$14,682.00.³

II.

Upon further review of the circumstances surrounding the filing of Application 47937, the State Engineer finds that this application was filed to replace cancelled Permit 33673 which was granted on September 5, 1978 for the same two dwellings requested under Application 47937. Permit 33673 was cancelled on May 18, 1982 for failure to file the Proof of Beneficial Use. Further, the State Engineer finds that the well was drilled and a Proof of Completion filed on April 23, 1979 and the two dwellings were constructed prior to the cancellation of Permit 33673. Application 47937 was merely filed to replace cancelled Permit 33673 and bring into compliance with the water law the continued use of water from the drilled well to serve the existing two dwellings.¹

III.

On April 15, 1992, the State Engineer issued Amended Order 1054 which specifically allows the State Engineer to consider the approval of an application for underground water filed in the Las Vegas Artesian Basin whose purpose is to validate the continued use of water which originated under a valid permit and had subsequently been cancelled for procedural non-compliance with the terms of the original permit.⁴ The State Engineer finds that Application 47937 meets the criteria established under Amended Order No. 1054 and, therefore, should not have been denied.

³ See letter dated January 15, 1993, from the City of North Las Vegas on file under Application 47937.

⁴ See Amended Order 1054, dated April 15, 1992 on file in the office of the State Engineer.

CONCLUSIONS

I.

The State Engineer has jurisdiction over the subject matter of this action.⁵

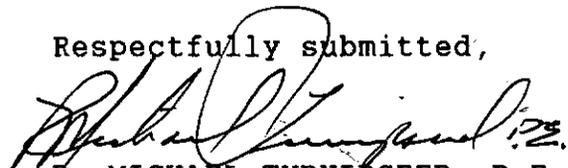
II.

After reviewing the circumstances surrounding Application 47937 and finding that the well had been drilled and the dwelling units built under a valid permit, the State Engineer concludes that Application 47937 meets the criteria established under Amended Order 1054 and was erroneously denied.

RULING

The State Engineer's Ruling No. 4160 dated December 16, 1994 is hereby amended to vacate the denial of Application 47937 and said application is returned to active status. A permit will be issued under Application 47937 upon payment of the statutory permit fee and the execution of the required affidavit pertaining to its revocable nature.

Respectfully submitted,



R. MICHAEL TURNIPSEED, P.E.
State Engineer

RMT/CT/pm

Dated this 14th day of
April, 1995.

⁵ NRS Chapters 533 and 534.