

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

IN THE MATTER OF THE REVOCATION OF)
PERMIT 22397 FILED TO APPROPRIATE)
THE UNDERGROUND WATERS OF THE LAS)
VEGAS ARTESIAN BASIN (212), CLARK)
COUNTY, NEVADA.)

RULING

4585

GENERAL

I.

Application 22397 was filed on January 25, 1965, by Sparkletts Drinking Water Corp. to appropriate the underground waters of the Las Vegas Artesian Basin, Clark County, Nevada. Permit 22397 was approved on May 13, 1965, for 0.02 cubic foot per second (cfs), not to exceed 4.0 million gallons annually, for commercial purposes within the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 18, T.21S., R.61E., M.D.B.&M. The point of diversion is described as being located within the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 18. Permit 22397 was issued subject to revocation if and when water can be furnished by an entity engaged in providing water service.¹

II.

By certified notice dated September 18, 1989, the State Engineer informed the permittee of his intent to revoke Permit 22397.¹ In response to that notice the permittee requested an administrative hearing.² After all parties of interest were duly noticed by certified mail, a public administrative hearing was held on February 1, 1990, before representatives of the office of the State Engineer to consider the revocation of Permit 22397.³

¹ File No. 22397, official records in the office of the State Engineer.

² Exhibit No. 2, public administrative hearing before the State Engineer, February 1, 1990.

³ Exhibit No. 1, public administrative hearing before the State Engineer, February 1, 1990.

FINDINGS OF FACT

I.

The place of use under Permit 22397 is located at 4225 W. Desert Inn Road, Clark County Assessors Parcel No. 140-020-17.¹ This property can be and has been served water by the Las Vegas Valley Water District from an eight inch water main on Pioneer Avenue.⁴ The State Engineer finds that the permit term requiring revocation is met and that the place of use under Permit 22397 has had water service to the property since 1966.

II.

The records in the office of the State Engineer reflect that Permit 25398, Certificate 11126, is a non-revocable water right for the same point of diversion, place and manner of use as that under Permit 22397. The amount of the water right allocated under Permit 25398, Certificate 11126, is 35.72 acre-feet annually. The amount of water allocated under Permit 22397 is 12.28 acre-feet annually. Records from the Las Vegas Valley Water District indicate that between 1967 and 1987 the quantity of water pumped under Permits 22397 and 25398 did not exceed the amount available under the non-revocable certificated water right.¹ The State Engineer finds that the quantity of water allowed under Permit 25398, Certificate 11126, has been of sufficient quantity to meet the needs of the permittee. The State Engineer further finds that a review of the Las Vegas Artesian Basin pumpage inventories from 1967 through 1996 indicates that the quantity of water pumped from the well under Permits 22397 and 25398 has not exceeded the amount available under the non-revocable certificated water right.

⁴ Letter of July 6, 1988, from the Las Vegas Valley Water District filed in the office of the State Engineer under File No. 22397. Transcript, pp. 5, 12-13, public administrative hearing before the State Engineer, February 1, 1990.

III.

The permittee provided testimony at the public administrative hearing that it needed to retain Permit 22397 as the quality of water available was essential to its operation and the production of its product.⁵ The State Engineer finds that the permittee will still have access to a sufficient quantity of high quality water under its non-revocable Permit 25398 and was well aware that Permit 22397 was issued as a revocable permit. To allow the permittee to retain revocable Permit 22397 would in essence mean that the permittee obtained a permanent water right which no one else in the Las Vegas Valley has been able to obtain since the law allowing the issuance of revocable permits was enacted in 1955.

CONCLUSIONS OF LAW

I.

The State Engineer has jurisdiction over the parties and the subject matter of this action and determination.⁶

II.

The State Engineer may issue temporary permits to appropriate ground water which may be revoked if and when water can be furnished by an entity such as a water district or a municipality presently engaged in furnishing water to the inhabitants thereof.⁷

III.

Permit 22397 was issued with the condition that it would be revoked when water service was available from an entity providing water service to the community. Water service to the place of use under Permit 22397 is provided by the Las Vegas Valley Water District. The State Engineer concludes that Permit 22397 should be revoked.

⁵ Transcript, pp. 6-18, public administrative hearing before the State Engineer, February 1, 1990.

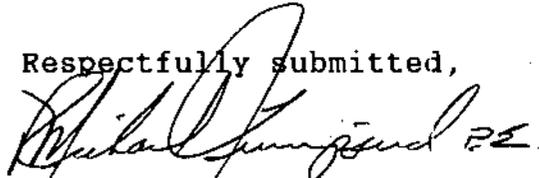
⁶ NRS Chapters 533 and 534.

⁷ NRS § 533.120(3).

RULING

Permit 22397 is hereby revoked on the grounds that water service is currently provided by the Las Vegas Valley Water District.

Respectfully submitted,



R. MICHAEL TURNIPSEED, P.E.
State Engineer

RMT/RKM/ab

Dated this 2nd day of
December, 1997.