

IN THE OFFICE OF THE STATE ENGINEER

IN THE MATTER OF APPLICATION 34819)
FILED TO APPROPRIATE THE PUBLIC)
WATERS OF AN UNDERGROUND SOURCE IN)
LAS VEGAS VALLEY, CLARK COUNTY,)
NEVADA.)

RULING

GENERAL

Application 34819 was filed on January 3, 1978, by John A. Taylor to appropriate 0.10 c.f.s. of water from an underground source for domestic purposes within the SE1/4 NW1/4 Section 10, T.20S., R.60E., M.D.B.&M. The point of diversion is described as being within the SE1/4 NW1/4 Section 10, T.20S., R.60E., M.D.B.&M. Information on the application indicates that it was filed to partly support a Carey Land Act segregation.¹

FINDINGS OF FACT

I.

A memorandum dated April 8, 1980, from the Division of State Lands to the Director's Office, Department of Conservation and Natural Resources, states that there is no Carey Act application filed in the name of John A. Taylor.¹

II.

A public hearing was held on September 24, 1980, relating to Applications 34818, 34819, 36683, 36828 and 36834.¹

III.

The State Engineer ruled that "Application 34819 will be held in abeyance with no further action, pending approval of entry to the public land".²

IV.

As of October 21, 1977, the Division of State Lands was no longer accepting any applications under the Carey Land Act program.³

¹ Public record in the office of the State Engineer.

² State Engineer's Ruling No. 2656 dated May 26, 1981, public record in the office of the State Engineer.

³ Policy of the Division of State Lands contained in a letter dated November 15, 1984, filed under Application 34819.

CONCLUSIONS

I.

The State Engineer has jurisdiction of the parties and the subject matter of this action.⁴

II.

Because there was no application on file with the Division of State Lands prior to October 21, 1977, there can be no entry under the Carey Land Act since the Division of State Lands is no longer accepting applications under the Carey Land Act.

III.

The granting of a water right from an underground source for domestic purposes would not afford the applicant any use that is not already provided for under NRS 534.010 and NRS 534.180. Under NRS 534.010 and NRS 534.180, the statutes provide domestic use to be limited to a single family dwelling where the draught of water does not exceed 1,800 gallons per day and further provides that a permit is not required for domestic purposes.

RULING

Application 34819 is hereby denied on the grounds that domestic wells are provided for under NRS 534.010 and NRS 534.180 without the requirement of a permit and to grant such a permit within the Las Vegas Valley Artesian Basin would infer the granting of some right or assurance that the applicant was not otherwise afforded such as regulation of other withdrawals to maintain water levels. The granting of a permit in this instance, where the applicant can not demonstrate the ability to gain right of entry to the land, would not be in the public interest and welfare.

Respectfully submitted,



PETER G. MORROS
State Engineer

PGM/KN/bl

Dated this 15th day of
May, 1985.

⁴ NRS 533.025 and NRS 533.030(1).