

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

IN THE MATTER OF APPLICATION 52656 FILED)
TO APPROPRIATE THE PUBLIC WATERS OF AN)
UNDERGROUND SOURCE IN THE LAS VEGAS)
VALLEY ARTESIAN BASIN, CLARK COUNTY,)
NEVADA.)

RULING

3936

GENERAL

I.

Application 52656 was filed on October 25, 1988, by Val Buhecker and Terri Buhecker to appropriate 0.08 c.f.s. (cubic feet per second) of water from an underground source for quasi-municipal and domestic purposes within the E1/2 SW1/4 SW1/4 SW1/4 Section 32, T.19S., R.60E., M.D.B.&M. The point of diversion is described as being within the SW1/4 SW1/4 Section 32 T.19S., R.60E., M.D.B.&M. The appropriation is to be for 10 home sites on the proposed place of use. Application 52656 became ready for the State Engineer's action February 18, 1989.¹

II.

Application 38335 was filed June 15, 1975, by Warren H. Spooner and Nola Spooner for the appropriation of 0.025 c.f.s. of water from an underground source for quasi-municipal and domestic purposes within the SE1/4 SW1/4 SW1/4 SW1/4 Section 32, T.19S., R.60 E., M.D.B.&M. The point of diversion is described as being within the SW1/4 SW1/4 Section 32 T.19S., R.60E., M.D.B.&M. Application 38335 became ready for the State Engineer's action December 21, 1979. On March 21, 1980, the State Engineer issued Permit 38355 for 0.025 c.f.s., 1.095 million gallons annually, to serve 3 homes in the place of use described as being within the SE1/4 SW1/4 SW1/4 SW1/4 Section 32, T.19S., R.60E., M.D.B.&M.²

¹ Public record in the office of the State Engineer, Application 52656.

² Public record in the office of the State Engineer, Permit 38335.

FINDINGS OF FACT

I.

The State Engineer finds that the south half of the proposed place of use of Application 52656 is the place of use existing under Permit 38335.³

II.

The State Engineer's staff was advised by applicant Val Buhecker on April 20, 1989, that Application 52656 and its supporting map shows the wrong township. The correct township should be T.19S., R.61E., M.D.B.&M. Additionally, the staff was advised that a City of North Las Vegas water line was only 330 feet from the place of use.¹

III.

The State Engineer finds that the applicants of 52656 have not communicated with the State Engineer's office concerning the status of Application 52656 or attempted any correction of the application.¹

IV.

The State Engineer finds from Clark County Assessor Parcel Maps and ownership lists that the E1/2 SW1/4 SW1/4 SW1/4 Section 32, T.19S., R.60E., M.D.B.&M., are described by the following parcel numbers and owners:

<u>ASSESSOR PARCEL NUMBER</u>	<u>OWNER AND ADDRESS</u>
500-670-023	Stewart, Mary 14338 Victory Blvd. Van Nuys, CA 91401
500-670-026	Spooner, Warren H. & Nola A. 4825 N. Dapple Gray Road Las Vegas, NV 89129
500-670-037	Dodge, Jody & Susan 9140 W. Lone Mountain Road Las Vegas, NV 89129
500-670-038	Flam, John A. 9110 W. Lone Mountain Road Las Vegas, NV 89129

³ Public record in the office of the State Engineer, maps filed in support of Permit 38335 and Application 52656.

Parcels - 026, - 037 and - 038 are the place of use of Permit 38335.²

V.

The State Engineer finds that the applicants of Application 52656 do not have interest in or control of lands in the proposed place of use described as the E1/2 SW1/4 SW1/4 SW1/4 Section 32, T.19S., R.60E., M.D.B.&M.²

CONCLUSIONS

I.

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

II.

The State Engineer is prohibited by law from granting a permit for 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.⁵

III.

The State Engineer concludes that to issue a permit for quasi-municipal use for Application 52656, which would include the place of use of Permit 38335 previously issued for quasi-municipal use would conflict with existing rights.

IV.

The State Engineer concludes that to issue a permit for Application 52656 for a proposed place of use in which the applicants do not have an interest or control would be detrimental to the public interest.

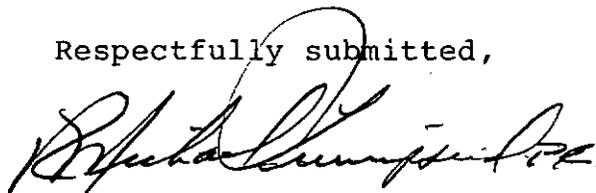
⁴ NRS 533.025 and NRS 533.030, subsection 1.

⁵ NRS 533.370, subsection 3.

RULING

Application 52656 is 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 8th day of
February, 1993.