

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

IN THE MATTER OF APPLICATION 59669 FILED)  
TO APPROPRIATE THE PUBLIC WATERS OF AN )  
UNDERGROUND SOURCE IN THE LAS VEGAS )  
ARTESIAN BASIN, CLARK COUNTY, NEVADA. )

RULING

# 4150

GENERAL

I.

Application 59669 was filed January 3, 1994, by Garth Lamb to appropriate 0.00155 cfs (cubic feet per second) of water from an underground source for commercial and domestic purposes to serve an equine medical clinic located within the NW $\frac{1}{4}$  NE $\frac{1}{4}$  Section 34, T.19S., R.60E., M.D.B.&M. The point of diversion is described as being within the NW $\frac{1}{4}$  NE $\frac{1}{4}$  of said Section 34. Application 59669 became ready for action by the State Engineer May 12, 1994.<sup>1</sup>

II.

The State Engineer described and designated the Las Vegas Artesian Basin under the provisions of Nevada Revised Statutes (NRS) Chapter 534 as a basin in need of additional administration.<sup>2</sup>

FINDINGS OF FACT

I.

The proposed point of diversion of Application 59669 is located within the Las Vegas Valley Water District service area. An existing water line runs along Ann Road on the north side of the proposed place of use.<sup>3</sup> The State Engineer finds that Application 59669 seeks to appropriate water in an area served by the Las Vegas Water District.

---

<sup>1</sup> Public record in the office of the State Engineer, Application 59669.

<sup>2</sup> State Engineer's Order No's. 175, 182, 189, 249, 275 and 833, official records in the office of the State Engineer.

<sup>3</sup> Public records in the office of the State Engineer, letter dated May 17, 1994, from the Las Vegas Valley Water District, and Report of Field Investigation by staff dated May 12, 1994, both filed in Application 59669.

II.

The perennial yield of the Las Vegas Artesian Basin is estimated to be 25,000 AFA.<sup>4</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. The source of this water is Lake Mead, imported by the Southern Nevada Water Project.<sup>5</sup>

The quantity of water pumped from the groundwater in 1992 was 67,972 acre feet.<sup>6</sup> This 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 led to as much as five feet of land subsidence in some areas of Las Vegas.<sup>7</sup> The State Engineer finds that the approval of any applications to appropriate groundwater from the Las Vegas Artesian Basin threatens to prove detrimental to the public interest by further lowering the groundwater table and increasing the potential for land subsidence. Additionally, the State Engineer finds that any new appropriation of groundwater would tend to conflict with numerous existing water rights.

---

<sup>4</sup> United States Geological Survey Water Supply Paper No. 1780, Glenn T. Malmberg, 1965.

<sup>5</sup> Water Resources Bulletin No. 44, office of the State Engineer and the United States Geological Survey, 1976.

<sup>6</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>7</sup> Nevada Bureau of Mines in Geology Bulletin No. 95, John W. Bell, 1981.

CONCLUSIONS

I.

The State Engineer has jurisdiction of the parties and the subject matter of this action.<sup>8</sup>

II.

The State Engineer may deny applications to appropriate groundwater in a designated basin for any purpose in areas served by an entity such as a water district or a municipality presently engaged in furnishing water to the inhabitants thereof.<sup>9</sup>

III.

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>10</sup>

IV.

The State Engineer concludes that Application 59669 should be denied, because water service can be provided by the Las Vegas Valley Water District from an existing water line adjacent to the proposed place of use of the application.

V.

Approval of Application 59669 would increase the quantity of groundwater withdrawals from the over-appropriated Las Vegas Artesian Groundwater Basin. Additional withdrawals would conflict with existing rights and threaten to prove detrimental to the public interest.

---

<sup>8</sup> NRS Chapters 533 and 534.

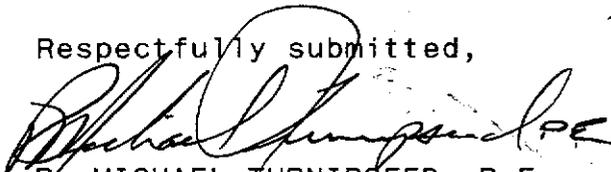
<sup>9</sup> NRS 534.120, subsections 1, 2 and 3.

<sup>10</sup> NRS Chapter 533.370 subsection 3.

RULING

Application 59669 is hereby denied on the grounds that water service can be provided by the Las Vegas Valley Water District from an existing water line adjacent to the proposed place of use, and approval of this application would conflict with existing rights and would threaten to prove detrimental to the public interest.

Respectfully submitted,



R. MICHAEL TURNIPSEED, P.E.  
State Engineer

RMT/CAB/pm

Dated this 19th day of  
October, 1994.