

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

IN THE MATTER OF APPLICATION 58865 )  
FILED TO APPROPRIATE THE PUBLIC )  
WATERS OF AN UNDERGROUND SOURCE IN )  
THE LAS VEGAS ARTESIAN BASIN (212), )  
CLARK COUNTY, NEVADA. )

RULING

**# 4247**

GENERAL

I.

Application 58865 was filed on May 21, 1993, by Thatcher Chemical Company to appropriate 0.0595 cfs of water from an underground source for industrial purposes for use within the NW $\frac{1}{4}$  SE $\frac{1}{4}$  Section 14, T.22S., R.62E., M.D.B.&M. The point of diversion is described as within the NW $\frac{1}{4}$  SE $\frac{1}{4}$  of said Section 14. The duty is estimated to be 10.1 million gallons annually (MGA) to serve a chemical manufacturing plant. Application 58865 became ready for action by the State Engineer on August 22, 1993.<sup>1</sup>

FINDINGS OF FACT

I.

The State Engineer initially described and designated a portion of the Las Vegas Artesian Basin on January 10, 1941, under the provisions of NRS Chapter 534.120, as a basin in need of additional administration.<sup>2</sup>

The State Engineer subsequently extended the designated area of the Las Vegas Artesian Basin on February 29, 1944,<sup>3</sup> November 22, 1946,<sup>4</sup> April 18, 1961,<sup>5</sup> May 25, 1964,<sup>6</sup> and December 27, 1983.<sup>7</sup>

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<sup>1</sup> File No. 58865, official records in the Office of the State Engineer.

<sup>2</sup> State Engineer's Order No. 175, dated January 10, 1941, official records in the Office of the State Engineer.

<sup>3</sup> State Engineer's Order No. 182, dated February 29, 1944, official records in the Office of the State Engineer.

<sup>4</sup> State Engineer's Order No. 189, dated November 22, 1946, official records in the Office of the State Engineer.

II.

The State Engineer issued Order No. 1054 on March 23, 1992, stating that, as of the date of the Order, applications filed to appropriate ground water pursuant to NRS 534.120 within the designated boundaries of the Las Vegas Artesian Basin would be denied.<sup>8</sup>

III.

The State Engineer issued Amended Order No. 1054 on April 15, 1992, in which three (3) exceptions to the original Order No. 1054 were outlined. The Order states:

NOW THEREFORE, it is ordered that with the following exceptions applications filed after March 23, 1992 pursuant to NRS 534.120 within the designated Las Vegas Artesian Basin will be denied:

1. Applications filed for commercial or industrial purposes which seek to appropriate 1,800 gallons per day or less and where the property is zoned for such purpose shall be processed and subject to NRS Chapter 533 and 534.
2. Applications filed for the purpose of reinstating a permit that has been cancelled and where some use has been made of the water, will be processed according to NRS Chapter 533, but only for the uses that are existing.
3. Applicants who began the process of filing an application before March 23, 1992, may file the Application which will be processed according to NRS 533. The applicant must

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<sup>5</sup> State Engineer's Order No. 249, dated April 18, 1961, official records in the Office of the State Engineer.

<sup>6</sup> State Engineer's Order No. 275, dated May 25, 1964, official records in the Office of the State Engineer.

<sup>7</sup> State Engineer's Order No. 833, dated December 27, 1983, official records in the Office of the State Engineer.

<sup>8</sup> State Engineer's Order No. 1054, dated March 23, 1992, official records in the Office of the State Engineer.

demonstrate that the process began before March 23, 1992 by attaching a copy of a contract or agreement with a licensed water right surveyor. The application and copy of the contract must be received in the office of the State Engineer no later than 5:00 p.m. May 1, 1992.<sup>9</sup>

IV.

Application 58865, filed to appropriate 0.0595 cfs with an estimated duty of 10.1 MGA, requests permission to appropriate approximately 38,919 gallons per day of operation based on plant operation of five days per week.<sup>1</sup>

V.

The point of diversion under Application 58865, identified as within the NW $\frac{1}{4}$  of the SE $\frac{1}{4}$  Section 14, T.22S., R.62E., M.D.B.&M., is within the designated boundaries of the Las Vegas Artesian Basin.<sup>1,7</sup>

VI.

Application 58865 does not meet the exceptions in Amended Order No. 1054.

CONCLUSIONS

I.

The State Engineer has jurisdiction over the parties and the subject matter of this action and determination.<sup>10</sup>

II.

The State Engineer concludes that Application 58865 cannot be permitted as the application does not meet the exceptions in Amended Order No. 1054.

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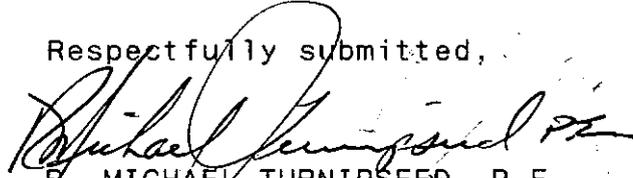
<sup>9</sup> State Engineer's Amended Order No. 1054, dated April 15, 1992, official records in the Office of the State Engineer.

<sup>10</sup> NRS Chapters 533 and 534.

RULING

Application 58865 is denied on the grounds that it does not meet any of the exceptions set forth in the State Engineer's Amended Order No. 1054.

Respectfully submitted,

  
R. MICHAEL TURNIPSEED, P.E.  
State Engineer

RMT/CAB/ab

Dated this 21st day of  
November, 1995.