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

IN THE MATTER OF APPLICATION 68507 FILED TO CHANGE THE POINT OF DIVERSION AND PLACE OF USE OF A PORTION OF THE PUBLIC WATERS OF AN UNDERGROUND SOURCE PREVIOUSLY APPROPRIATED UNDER PERMIT 24582, CERTIFICATE 7673, WITHIN THE LAS VEGAS ARTESIAN HYDROGRAPHIC BASIN (212), CLARK COUNTY, NEVADA.

RULING

#5171

GENERAL

I.

Application 68507 was filed on February 19, 2002, by Gregory C. Larson and Deborah F. Larson to change the point of diversion and place of use of 0.0044 cubic feet per second (cfs), 2 acre-feet annually (afa), a portion of the underground waters previously appropriated under Permit 24582, Certificate 7673. The manner of use is quasi-municipal purposes within the SE¼ NE¼ SE¼ of Section 9, T.19S., R.60E., M.D.B.&M. The proposed point of diversion is described as being located within the NE¼ SE¼ of said Section 9.[1]

II.

Certificate 7673, issued September 20, 1971, for Permit 24582 currently has many water right holders who own small portions of the certificate. Gregory C. Larson and Deborah F. Larson own a portion, which amounts to 0.0044 cfs, 2 afa, of Certificate 7673.[2]

III.

The State Engineer initially described and designated a portion of the Las Vegas Artesian Basin on January 10, 1941, under the provisions of NRS § 534.030, as a basin in need of additional

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[1] File No. 68507, official record in the Office of the State Engineer.
[2] File No. 24582, official record in the Office of the State Engineer.

administration.[3] The State Engineer subsequently extended the boundaries of the designated area of the Las Vegas Artesian Basin on February 29, 1944,[4] November 22, 1946,[5] April 18, 1961,[6] May 25, 1964,[7] and December 27, 1983.[8]

IV.

The State Engineer has recognized four areas in the Las Vegas Valley Artesian groundwater basin as having localized problems caused by groundwater pumpage. One of these areas is known as the Tule Springs/Gilcrease Ranch Area which is described as encompassing all of Sections 3, 4, 5, 8, 9, 10, 15, 16, and 17, T.19S., R.60E., M.D.B.&M.[9] This is the same area in which Application 68507 seeks to divert additional water.

V.

The Nevada Division of Water Resources has cooperated with the U.S. Department of Interior, Geological Survey, in studying land subsidence, water pumpage and groundwater level changes in the Las Vegas Valley and has published the study results in various reports. Included in these reports are groundwater level measurements of the J. P. Goumond well located in the SW¼ SW¼ NW¼ of Section 9, T.19S., R.60E., M.D.B.&M.[10]

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[3] State Engineer's Order No. 175, dated January 10, 1941, official records in the Office of the State Engineer.
[4] State Engineer's Order No. 182, dated February 29, 1944, official records in the Office of the State Engineer.
[5] State Engineer's Order No. 189, dated November 22, 1946, official records in the Office of the State Engineer.
[6] State Engineer's Order No. 249, dated April 18, 1961, official records in the Office of the State Engineer.
[7] State Engineer's Order No. 275, dated May 25, 1964, official records in the Office of the State Engineer.
[8] State Engineer's Order No. 833, dated December 27, 1983, official records in the Office of the State Engineer.
[9] State Engineer's correspondence to Clark County Department of Comprehensive Planning, February 4, 1993, and July 28, 1993, official records in the Office of the State Engineer.
[10] Maxey, G.B. and Jameson, C.H., Well Data in Las Vegas and Indian Springs Valleys, Nevada, Water Resources Bulletin No. 4, Office of the State Engineer and U.S.G.S., pp. 22-23 (1946); Harrill, James R., Water-level Changes Associated with Ground-water Development in Las Vegas Valley, Nevada, 1971-1975, Water Resources-Information Series Report 22, Nevada Division of Water Resources and U.S.G.S., p.6 (1976); Harrill, James R., Water-level Changes Associated with Ground-water Development in Las Vegas Valley, Nevada, March 1975 to March 1976, Water Resources-Information Series Report 26, Nevada

FINDINGS OF FACT

I.

Water-level measurements taken in the J. P. Goumond well located within the SW¼ NW¼ of Section 9, T.19S., R.60E., M.D.B.&M., indicate that the groundwater level has declined from approximately 44 feet below land surface as measured in 1944 to 186 feet below land surface as measured in October 1992.[10] This represents an average water level decline of approximately 3 feet per year for the years 1944 through 1992. Although the water level in the J.P. Goumond well has increased slightly to 182 feet below land surface as measured in October 1999, the increase is attributed to the groundwater recharge project in the Las Vegas Basin and this water may be withdrawn at some time in the future. The State Engineer finds that the water level decline in the J.P. Goumond well between 1944 and 1992 is a significant indication that the Tule Springs/Gilcrease Ranch Area is a critical groundwater management area.

II.

Application 68507 proposes to divert approximately 1786 gallons per day, or 2 acre-feet of underground water per year, for

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Division of Water Resources and U.S.G.S., p.4 (1977); Katzer, Terry, Water-level Changes Associated with Ground-water Development in the Las Vegas Valley, Nevada, March 1976 to March 1977, Water Resources-Information Series Report 27, Nevada Division of Water Resources and U.S.G.S., p.6 (1977); Wood, David B., Water-level Changes Associated with Ground-water Development in the Las Vegas Valley, Nevada, March 1977 to March 1978, Water Resources-Information Series Report 29, Nevada Division of Water Resources and U.S.G.S., p.4 (1979); Wood, David B., Water-level Changes Associated with Ground-water Development in the Las Vegas Valley, Nevada, 1978-1979, Water Resources-Information Series Report 30, Nevada Division of Water Resources and U.S.G.S., p. 17 (1988); Wood, David B., Water-level Changes Associated with Ground-water Development in the Las Vegas Valley, Nevada, 1979-1981, Water Resources-Information Series Report 31, Nevada Division of Water Resources and U.S.G.S., p. 17 (1988); Wood, David B., Water-level Changes Associated with Ground-water Withdrawals and Surface-water Imports, in the Las Vegas Valley, Nevada, 1981-1983, Water Resources-Information Series Report 32, Nevada Division of Water Resources and U.S.G.S., pp. 16-20 (1991); Wood, David B., Water-level Changes Associated with Ground-water Withdrawals and Surface-water Imports, in the Las Vegas, Valley, Nevada, 1983-1985, Water Resources - Information Series Report 33, Nevada Division of Water Resources and U.S.G.S., pp. 15-19 (1991); Burbey, Thomas J., Pumpage and Water-level Change in the Principal Aquifer of Las Vegas Valley, Nevada, 1980-1990, Nevada Division of Water Resources and U.S.G.S., pp. 36-44 (1995) and Water Resource Data, Nevada, Water Year 2000, U.S.G.S., p.492 (2000).

quasi-municipal purposes. The State Engineer finds that the point of diversion for Application 68507 is described as being located within the NE¼ SE¼ of Section 9, T.19S., R.60E., M.D.B.&M.[1] The State Engineer finds that this point of diversion is located within the Tule Springs/Gilcrease Ranch Area, which is recognized by the State Engineer as having localized problems caused by groundwater pumpage. The State Engineer finds that to grant a permit for an additional diversion of ground water within the Tule Springs/Gilcrease Ranch Area would only further exacerbate the problem of groundwater level declines, would interfere with existing water rights, and would threaten to prove detrimental to the public interest.

CONCLUSIONS

I.

The State Engineer has jurisdiction over the parties and the subject matter of this action and determination.[11]

II.

The State Engineer is prohibited by law from granting a permit for an application where:[12]

A. there is no unappropriated water at the proposed source;
B. the proposed use or change conflicts with existing rights;
C. the proposed use or change conflicts with protectible interests in existing domestic wells as set forth in NRS § 533.024; or
D. the proposed use or change threatens to prove detrimental to the public interest.

III.

The State Engineer concludes that to issue a permit for an additional diversion of groundwater in the Tule Springs/Gilcrease Ranch Area, an area already recognized as having problems caused by groundwater pumpage as evidenced by severe groundwater level

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[11] NRS chapters 533 and 534.
[12] NRS § 533.370(3).

declines, would conflict with existing rights and would threaten to prove detrimental to the public interest.

RULING

Application 68507 is hereby denied on the grounds that the granting of a permit for the application would conflict with existing rights and would threaten to prove detrimental to the public interest.

Respectfully submitted,

HUGH RICCI, P.E.
State Engineer

HR/CB/jm

Dated this 19th day of November, 2002.