

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

IN THE MATTER OF APPLICATION 73389)
FILED TO APPROPRIATE THE PUBLIC)
WATERS OF AN UNDERGROUND SOURCE)
WITHIN THE LAS VEGAS ARTESIAN BASIN)
(212), CLARK COUNTY, NEVADA.)

RULING

#5865

GENERAL

I.

Application 73389 was filed on October 26, 2005, by Republic Silver State Disposal, Inc., to appropriate 50.0 acre-feet annually of underground water in the Las Vegas Artesian Basin (212) for commercial purposes that are described as being located within portions of the E $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 19, T.23S., R.61E., M.D.B.&M. The proposed point of diversion is described as being located within the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 19, T.23S., R.61E., M.D.B.&M.¹

FINDINGS OF FACT

I.

State Engineer's Order No. 1054, issued on April 15, 1992, for the Las Vegas Artesian Basin (212), concludes that, "applications filed after March 23, 1992 pursuant to NRS 534.120 within the designated Las Vegas Artesian Basin [212] will be denied." The State Engineer finds that Application 73389 was filed after March 23, 1992, and is subject to denial.

CONCLUSIONS

I.

The State Engineer has jurisdiction over the parties and subject matter of this action and determination.²

II.

The State Engineer is prohibited by law from granting an application to appropriate the public waters where:³

¹ File No. 73389, official records in the Office of the State Engineer.

² NRS chapters 533 and 534.

³ NRS § 533.370(5).

- 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.

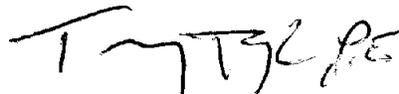
III.

Application 73389 requests the appropriation of underground water for commercial purposes from the Las Vegas Artesian Basin (212) where there is no water remaining to be appropriated as documented by the full text of State Engineers Order No. 1054. The State Engineer concludes that the approval of this application would conflict with earlier rulings and adversely affect existing water rights within the ground-water basin thereby threatening to prove detrimental to the public interest; therefore, Application 73389 must be denied.

RULING

Application 73389 is hereby denied on the grounds that its approval would conflict with previous rulings and existing water rights and threaten to prove detrimental to the public interest.

Respectfully submitted,



TRACY TAYLOR, P.E.
State Engineer

TT/WHR/jm

Dated this 27th day of
June, 2008.