

IN THE MATTER OF PROTESTED APPLICATION)
36628 FILED BY TROY RAY TO APPROPRIATE)
GROUND WATER IN THE LAS VEGAS ARTESIAN)
BASIN, CLARK COUNTY, NEVADA)

R U L I N G

212

INTRODUCTION

Application 36628 was filed by Troy Ray to appropriate water from an underground source in the Las Vegas Artesian Basin, Clark County, Nevada.

FINDINGS OF FACT

I

Application 36628 was filed on February 5, 1979 by Troy Ray to appropriate 0.067 c.f.s. of water from an underground source for quasi-municipal and domestic purposes to serve six single family dwellings. The proposed point of diversion is described as within the NE1/4 NW1/4 Section 20, T.22S., R.61E., M.D.M. The period of use to be from January 1 to December 31 of each year. 1/

II

A protest to the granting of Application 36628 was timely filed on April 2, 1979 by Bruce M. Alper. The basis of the protest is that six (6) houses on 5 acres of land is too many houses for the acreage. The protestant also expresses concern for the detrimental effect on other domestic wells for existing houses in the area. 2/

III

By proper notice dated January 11, 1980, the applicant and protestant were advised that a field investigation would be held in the matter on February 1, 1980. 3/

IV

At the field investigation held on February 1, 1980, Mr. Bruce Alper restated his objection to building six dwellings on a 5 acre parcel when all other homes in the area were built on 1-1/4 or 2-1/2 acre parcels. Mr. Alper was concerned with the concentration of water use from one well and the effect on other individual wells in the immediate vicinity. The applicant, Troy Ray, stated that he was in compliance with county zoning and had made proper application to the State Engineer to appropriate the public water. 4/

V

The only water rights of record in the area are Permits 24786 and 24787 which stand in the name of the Las Vegas Racquet Club and Permit 26657 which stand in the name of Charles and Lois Gullo; John and Caroline Gullo; Edward and Rose Kopf. Permits 24786 and 24787 are located

some 700 to 600 feet respectively westerly of the proposed well site under Application 36628. Permit 26657 is located some 1800 feet west of the proposed well under Application 36628. 5/

CONCLUSIONS

I

The State Engineer has jurisdiction of the parties and the subject matter of this action. 6/

II

The State Engineer shall approve all applications made in proper form where:

- A. All fees have been paid which contemplate the application of water to beneficial use, or
- B. The proposed use does not tend to impair the value of existing rights, or
- C. Be otherwise detrimental to the public welfare. 7/

III

The State Engineer does not have authority to change or administer county zoning ordinances.

IV

Application 36628 is made in proper form in compliance with the procedure set by statutes. A timely protest was filed as prescribed by statute. 8/

V

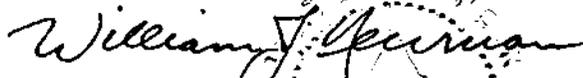
Existing water rights of record are situated some distance from the proposed well site under Application 36628.

RULING
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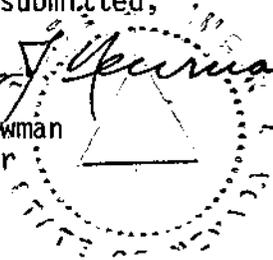
RULING

The protest to Application 36628 is herewith overruled and a permit will be issued on the grounds that the granting will not tend to impair the value of existing rights. The permit will be issued subject to revocation when water can be furnished by an entity such as a water district or a municipality engaged in furnishing water. The permit will be further limited to a maximum of 1,000 gallons per day per residence.

Respectfully submitted,



William J. Newman
State Engineer



WJN/bc

Dated this 1st day
of APRIL, 1980.

FOOTNOTES

1. Public record available in the office of the State Engineer.
2. Public record available in the office of the State Engineer.
3. Public record available in the office of the State Engineer.
4. The report of field investigation is a public record available in the office of the State Engineer.
5. Public record available in the office of the State Engineer.
6. NRS 533.365.
7. NRS 533.370 Section 1.
8. NRS Chapters 533 and 534.