

IN THE OFFICE OF THE STATE ENGINEER

IN THE MATTER OF APPLICATIONS 34179 )  
AND 35437 FILED TO APPROPRIATE THE )  
PUBLIC WATERS OF AN UNDERGROUND )  
SOURCE IN LAS VEGAS VALLEY, CLARK )  
COUNTY, NEVADA. )

RULING

GENERAL

Application 34179 was filed on October 17, 1977, by Roy H. Jagers to appropriate 2.7 c.f.s. of water from an underground source for irrigation and domestic purposes on 160 acres of land within the NW1/4 Section 33, T.23S., R.61E., M.D.B.&M. The point of diversion is described as being within the SE1/4 NW1/4 Section 33, T.23S., R.61E., M.D.B.&M. Information contained in the application indicates that the water is to be used to support a Carey Land Act segregation.<sup>1</sup>

Application 35437 was filed on May 16, 1978, by Glenn K. Balliet to appropriate 2.7 c.f.s. of water from an underground source for irrigation and domestic purposes on 160 acres of land within the NW1/4 Section 7, T.24S., R.61E., M.D.B.&M. The point of diversion is described as being within the NE1/4 NW1/4 Section 7, T.24S., R.61E., M.D.B.&M. Information contained in the application indicates that the water is to be used to support a Carey Land Act segregation.<sup>1</sup>

U.S. Geological Survey Water Supply Paper 849-D titled "Underground Leakage from Artesian Wells in the Las Vegas Area, Nevada", was prepared cooperatively with the State Engineer, Clark County and City of Las Vegas.<sup>1</sup>

Water Resources Bulletin No. 3 titled "Water Levels and Artesian Pressure in Wells in Las Vegas Valley and in Other Valleys in Nevada, 1913-1945", was prepared cooperatively with the State of Nevada - Office of the State Engineer.<sup>1</sup>

U.S. Geological Survey Water Supply Paper 1780 titled "Available Water Supply of the Las Vegas Ground-Water Basin, Nevada", was prepared cooperatively with the Nevada Department of Conservation and Natural Resources.<sup>1</sup>

Ground Water Resources - Information Series Report 5 titled "Land Subsidence in Las Vegas Valley Nevada, 1935-63", was prepared cooperatively by the U.S. Geological Survey and the Nevada Department of Conservation and Natural Resources.<sup>1</sup>

Water Resources Bulletin No. 44 titled "Pumping and Ground-Water Storage Depletion in Las Vegas Valley, Nevada, 1955-74", was prepared cooperatively by the U.S. Geological Survey and the Nevada Department of Conservation and Natural Resources, Division of Water Resources.<sup>1</sup>

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

Water Resources - Information Series Report No. 22 titled "Water-Level Changes Associated with Ground-Water Development in Las Vegas Valley, Nevada, 1971-75", was prepared cooperatively by the U.S. Geological Survey and Department of Conservation and Natural Resources, Division of Water Resources.<sup>1</sup>

Water Resources - Information Series Report No. 26 titled "Water-Level Changes Associated with Ground-Water Development in Las Vegas Valley, Nevada, March 1975 to March 1976", was prepared cooperatively by the U.S. Geological Survey and Department of Conservation and Natural Resources, Division of Water Resources.<sup>1</sup>

Water Resources - Information Series Report No. 27 titled "Water-Level Changes Associated with Ground-Water Development in Las Vegas Valley, Nevada, March 1976 to March 1977", was prepared cooperatively by the U.S. Geological Survey and Department of Conservation and Natural Resources, Division of Water Resources.<sup>1</sup>

Water Resources - Information Series Report No. 29 titled "Water-Level Changes Associated with Ground-Water Development in Las Vegas Valley, Nevada, March 1977 to March 1978", was prepared cooperatively by the U.S. Geological Survey and Department of Conservation and Natural Resources, Division of Water Resources.<sup>1</sup>

Nevada Bureau of Mines and Geology Bulletin 95 titled "Subsidence in Las Vegas Valley", was prepared by the Mackay School of Mines, University of Nevada, Reno, 1981.

#### FINDINGS OF FACT

##### I.

On January 10, 1941, the State Engineer designated and described an area of land within the natural drainage of Las Vegas Ground Water Basin as an area in need of additional administration under the provisions of NRS Chapter 534. Subsequent orders have been issued by the State Engineer extending the described designated area, curtailing the granting of appropriations and declaring nonpreferred uses of the limited ground water resource within the basin.<sup>2</sup>

##### II.

On January 11, 1978, the State Engineer issued an adverse report to the State Land Registrar on water availability within the Las Vegas Ground Water Basin as required under the provisions of the statutes on Carey Act lands.<sup>3</sup>

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<sup>2</sup> State Engineer's Orders 175, 182, 189, 249, 275, 196 and 833; public record in the office of the State Engineer.

<sup>3</sup> NRS 324.130(1).

III.

Prior applications filed to appropriate ground water for irrigation purposes have been denied by the State Engineer.<sup>4</sup> The State Engineer may deny applications prior to publication where a previous application for a similar use of water within the same basin has been rejected.<sup>5</sup>

IV.

There is a documented record of substantial evidence that water tables are declining, ground water storage is being depleted and land subsidence is active within the Las Vegas Ground Water Basin. These conditions contribute to water quality degradation, diminishing yield of wells, increased pumping lifts and reversal of ground water gradients which has resulted in significant changes in the recharge/discharge relationship within the basin.<sup>6</sup>

V.

Pumpage records and inventories maintained by the State Engineer's office and the U.S. Geological Survey provide substantial evidence that the withdrawals of ground water within the basin have, for a number of years, exceeded the annual recharge.<sup>7</sup>

VI.

The State Engineer has the authority to initiate a revocable permit program in a designated ground water basin where the ground water basin is being depleted. The State Engineer has issued revocable permits to appropriate ground water for preferred uses and in the public interest within the Las Vegas Ground Water Basin until such time as water can be furnished by entities such as the Las Vegas Valley Water District utilizing sources of water that augment and are independent of the basin ground water source.<sup>7</sup>

CONCLUSIONS

I.

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

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<sup>4</sup> Public record in the office of the State Engineer under Applications 33493, 33674, 33675, 33677, 16597 and 16710.

<sup>5</sup> NRS 533.370.

<sup>6</sup> Hydrologic reports, studies and investigations on the Las Vegas Valley Ground Water Basin; public record in the office of the State Engineer.

<sup>7</sup> Public record in the office of the State Engineer.

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

II.

Irrigation use is not a preferred use of the limited resource within the Las Vegas Ground Water Basin.

III.

The State Engineer is prohibited by law from granting a permit where:

- A. there is no unappropriated water in 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 and welfare.<sup>9</sup>

IV.

The granting of Applications 34179 and 35437 would adversely effect existing rights based on substantial evidence set forth in the findings of this ruling.

V.

There is no unappropriated water available for irrigation purposes within the Las Vegas Ground Water Basin.

VI.

The granting of Applications 34179 and 35437 would not be in the public interest.

RULING

Applications 34179 and 35437 are denied on the grounds that the granting thereof would adversely effect existing rights, irrigation use is not a preferred use of the limited resource and further, the granting thereof would not be in the public interest and welfare.

Respectfully submitted



Peter G. Morros  
State Engineer

PGM/PGM/bl

Dated this 6th day of  
November, 1984.