

IN THE OFFICE OF THE STATE ENGINEER

IN THE MATTER OF APPLICATION 48338)
FILED TO APPROPRIATE THE PUBLIC)
WATERS OF AN UNDERGROUND SOURCE IN)
LAS VEGAS ARTESIAN BASIN, CLARK)
COUNTY, NEVADA.)

RULING

GENERAL

Application 48338 was filed on August 28, 1984, by Andre Prince to appropriate 0.01 c.f.s. of water from an underground source for quasi-municipal and domestic (3 homes) purposes within the N1/2 SW1/4 SE1/4 SW1/4 Section 18, T.21S., R.62E., M.D.B.&M. The point of diversion is described as being within the SE1/4 SW1/4 Section 18, T.21S., R.62E., M.D.B.&M.¹

FINDINGS OF FACT

I.

Application 48338 was timely protested by the Las Vegas Valley Water District on the grounds that:

"A Water District pipeline with sufficient pressure and quantity is constructed with its terminus approximately 334 feet, (see Attachment B), from the property to be served"; and "...this pipeline will be adequate for domestic water use and fire protection provided the applicant pays all necessary fees and charges (see Attachment C)...."

II.

Attachment C of the protest estimates the approximate fees and charges for connection to the Las Vegas Valley Water District's distribution system to be approximately \$5,000.00.

III.

The State Engineer described and designated a portion of Las Vegas Valley on January 10, 1941, under the provisions of NRS Chapter 534 as a basin in need of additional administration.²

¹ Public record in the office of the State Engineer.

² State Engineer's Order No. 175 dated January 10, 1941, public record in the office of the State Engineer.

IV.

The State Engineer extended the designated area of the Las Vegas Valley Ground Water Basin on February 29, 1944.³

V.

The State Engineer extended the designated area of the Las Vegas Valley Ground Water Basin on November 22, 1946.⁴

VI.

The State Engineer curtailed the appropriation of ground water for irrigation purposes within the following areas:⁵

T.20S., R.60E. - Sections 13, 24, 25 and 36;

T.20S., R.61E. - Sections 13 - 36, inclusive;

T.20S., R.61E. - Sections 1 - 10, inclusive, and Sections 15 - 18, inclusive.

VII.

The State Engineer issued an order regulating the issuance of permits for quasi-municipal use on November 20, 1953.⁶

VIII.

The State Engineer further extended the designated area of the Las Vegas Valley Ground Water Basin on April 18, 1961.⁷

IX.

The State Engineer further extended the designated area of the Las Vegas Valley Ground Water Basin on May 25, 1964.⁸

³ State Engineer's Order No. 182 dated February 29, 1944, public record in the office of the State Engineer.

⁴ State Engineer's Order No. 189 dated November 22, 1946, public record in the office of the State Engineer.

⁵ State Engineer's Order No. 196 dated December 1, 1949, public record in the office of the State Engineer.

⁶ State Engineer's Order No. 212 dated November 20, 1953, public record in the office of the State Engineer.

⁷ State Engineer's Order No. 249 dated April 18, 1961, public record in the office of the State Engineer.

⁸ State Engineer's Order No. 275 dated May 25, 1964, public record in the office of the State Engineer.

X.

The State Engineer further extended the designated area of the Las Vegas Valley Ground Water Basin on December 27, 1983, declaring irrigation was not a preferred use and that all further applications to irrigate would be denied.⁹

XI.

The proposed point of diversion is within the service area of the Las Vegas Valley Water District.¹⁰

XII.

Water service is available from the Las Vegas Valley Water District.¹¹

XIII.

The State Engineer has maintained pumpage inventories and records of water levels in the Las Vegas Valley for a number of years. Land subsidence in the basin from over pumping has been well documented and the possibility of any further subsidence is a major concern to the State Engineer.¹

CONCLUSIONS

I.

The State Engineer has jurisdiction of the parties and subject matter of this action.¹²

II.

The State Engineer may deny applications to appropriate ground water for any purpose in areas served by an entity such as a water district or a municipality presently engaged in furnishing water to the inhabitants thereof.¹³

⁹ State Engineer's Order No. 833 dated December 27, 1983, public record in the office of the State Engineer.

¹⁰ Las Vegas Valley Water District service area map, public record in the office of the State Engineer.

¹¹ Protest and report of field investigation by the Division of Water Resources dated March 21, 1985, public record in the office of the State Engineer under Application 48338.

¹² NRS 533.025 and NRS 533.030, subsection 1.

¹³ NRS 534.120, subsections 1, 2 and 3.

III.

The cost of hooking up to the distribution system of the Las Vegas Valley Water District for the homes in question is not unreasonable.

RULING

The protest to the granting of Application 48338 is hereby upheld and Application 48338 is hereby denied on the grounds that water service is available from the Las Vegas Valley Water District and that the cost of providing service is not unreasonable.

Respectfully submitted,



PETER G. MORROS
State Engineer

PGM/KN/bl

Dated this 15th day of

May, 1985.