

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

IN THE MATTER OF APPLICATIONS 45719, 46022,)
46957 AND 47937 FILED TO APPROPRIATE THE)
PUBLIC WATERS OF AN UNDERGROUND SOURCE IN)
THE LAS VEGAS VALLEY ARTESIAN BASIN, CLARK)
COUNTY, NEVADA.)

RULING

4160

GENERAL

I.

Application 45719 was filed on May 26, 1982 by Donald Gonsalves to appropriate 0.025 cubic feet per second (c.f.s.) of water from an underground source for quasi-municipal purposes to serve two homes on lots located within the W $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 9, T.22S., R.61E., M.D.B.&M. The point of diversion is described as an existing well presently serving on single family dwelling, located within the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 9. Application 45719 became ready for the State Engineer's action on September 30, 1982.¹

Application 45719 was timely protested August 25, 1982 by the Las Vegas Valley Water District on the following grounds:

A Las Vegas Valley Water District (LVVWD) pipeline with sufficient pressure and quantity is approximately 900 feet from the proposed point of diversion and place of use. The LVVWD is currently providing water service in the general area and has under advisement several applications for services from said pipeline in the area. Further we submit that application number 45719 is deficient in clearly describing the true point of diversion and place of use.

Therefore the protestant requests that the application be DENIED.¹

II.

Application 46022 was filed on August 16, 1982 by David W. Lowe and Celesta Lowe to appropriate 0.01 c.f.s. of water from an

¹ Public record in the office of the State Engineer, Application 45719.

underground source for quasi-municipal purposes to serve three homes on lots located within the N $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 13, T.21S., R.61E., M.D.B.&M. The point of diversion is described as an existing well within the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 13. Application 46022 became ready for the State Engineer's action on January 20, 1983.²

Application 46022 was timely protested January 3, 1983 by the Las Vegas Valley Water District on the following grounds:

A Las Vegas Valley Water District (LVVWD) pipeline with sufficient pressure and quantity is approximately 450 feet from the proposed point of diversion and place of use. Service from the existing pipeline is adequate for domestic water use and fire protection provided the developer installs the necessary main extension.

In the interest of groundwater conservation in the Las Vegas Artesian Basin, water service from the LVVWD is a viable and necessary alternative in lieu of the appropriation of groundwater from this designated basin.

Therefore the protestant requests that the application be DENIED.²

III.

Application 46957 was filed on May 27, 1983 by William D. Wagner, Jr. to appropriate 0.0139 c.f.s. of water from an underground source for quasi-municipal domestic purposes to serve five houses on lots located within the SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 31, T.21S., R.62E., M.D.B.&. The point of diversion is described as being within the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 31. Application 46957 became ready for the State Engineer's action on September 24, 1983.³

Application 46957 was timely protested September 9, 1983 by the Las Vegas Valley Water District on the following grounds:

² Public record in the office of the State Engineer, Application 46022.

³ Public record in the office of the State Engineer, Application 46957.

A Water District pipeline with sufficient pressure and quantity is approximately 450 feet from the proposed point of diversion. Service from the existing pipeline is adequate for domestic water use and fire protection provided the applicant pays all necessary fees and charges required for connecting to the Water District's distribution system.

In the interest of groundwater conservation in the Las Vegas Artesian Basin, water service from the Water District is a viable and necessary alternative in lieu of the appropriation of groundwater from this designated basin.

Therefore the protestant requests that the application be DENIED.³

IV.

Application 47937 was filed March 27, 1984 by Cash A. Cummings to appropriate 0.01 c.f.s. of water from an underground source for quasi-municipal purposes to serve two homes on lots identified by APN 250-590-022 and 250-590-045 located within the NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 21, T.20S., R.62E., M.D.B.&M. The point of diversion is described as an existing well within the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of said Section 21. Application 47937 became ready for the State Engineer's action on June 28, 1984.⁴

Application 47937 was timely protested June 28, 1984 by the Las Vegas Valley Water District on the following grounds:

A Water District pipeline with sufficient pressure and quantity is located approximately 1,200 feet from the proposed Point of Diversion. Service from the existing pipeline is adequate for domestic water use and fire protection provided the applicant pays all necessary fees and charges required for connecting to the Water District's distribution system. In the interest of groundwater conservation in the Las Vegas Artesian Basin,

⁴ Public record in the office of the State Engineer, Application 47937.

water service from the Water District is a viable and necessary alternative in lieu of the appropriation of groundwater from this designated basin.

Therefore the protestant requests that the application be DENIED.⁴

On July 12, 1984 the City of North Las Vegas advised that: The City of North Las Vegas has an existing 6" municipal water main approximately 740 feet south of this proposed well site. This line is capable of serving this property with an adequate volume and quality municipal water supply.⁴

V.

The State Engineer described and designated the Las Vegas Artesian Basin under the provisions of Nevada Revised Statutes (NRS) Chapter 534 as a basin in need of additional administration.⁵

VI.

The proposed places of use of Applications 45719, 46022 and 46957 are located within the service area of the Las Vegas Valley Water District.⁶

The proposed place of use of Application 47937 is located within the service area of the City of North Las Vegas.^{4,7}

FINDINGS OF FACT

I.

Water service is provided by the Las Vegas Valley Water District via a water line in Mesa Verde Lane approximately 950 feet from the proposed place of use of Application 45719.⁸ The State

⁵ Public record in the office of the State Engineer, Order No's 175, 182, 189, 249, 275, 833 and 1054.

⁶ Public record in the office of the State Engineer, Las Vegas Valley Water District Service Area Maps.

⁷ Public record in the office of the State Engineer, City of North Las Vegas Utilities Service Maps.

⁸ Public record in the office of the State Engineer, letter dated March 12, 1993, from the Las Vegas Valley Water District filed in Application 45719.

Engineer finds that water service can reasonably be provided by the Las Vegas Valley Water District to both homes in the proposed place of use of Application 45719.

II.

Water service can be provided by the Las Vegas Valley Water District to the proposed place of use of Application 46022 from an existing water main in Twain Avenue located approximately five hundred feet east of the proposed place of use.⁹ The State Engineer finds that water service can reasonably be provided to the proposed place of use of Application 46022.

III.

Water service can be provided by the Las Vegas Valley Water District from a water main in Patrick Lane, adjacent to the proposed place of use of Application 46957. There is a water line extending approximately 100 feet into the cul-de-sac which can serve the lots in the proposed place of use.¹⁰ The State Engineer finds that water service can reasonably be provided by the Las Vegas Valley Water District to the proposed place of use of Application 46957.

IV.

Water service can be provided by the City of North Las Vegas to the proposed place of use of Application 47937 from an existing water main located north and west on Achievement Place.¹¹ The State Engineer finds that water service can reasonably be provided

⁹ Public record in the office of the State Engineer, letter dated February 23, 1993, from the Las Vegas Valley Water District Filed in Application 46022.

¹⁰ Public record in the office of the State Engineer, letter dated May 10, 1993, from Ben G. Sweet, SWRS No. 322, filed in Application 46975.

¹¹ Public record in the office of the State Engineer, letter dated January 15, 1993, from the City of North Las Vegas filed in Application 47937.

by the City of North Las Vegas to the proposed place of use of Application 47937.

V.

The perennial yield of the Las Vegas Artesian Basin is estimated to be 25,000 AFA.¹² In addition, about 16,000 AFA of secondary recharge enters the groundwater from wastewater treatment and disposal and from the irrigation of lawns, golf course, and parks. The source of this water is Lake Mead, imported by the Southern Nevada Water Project.¹³

The quantity of water pumped from the groundwater in 1992 was 67,972 acre-feet.¹⁴ This amount of pumping represents an overdraft of about 27,000 AFA. Over the years, the overdraft of the groundwater has caused a lowering of the water table which in turn led to as much as five feet of land subsidence in some areas of Las Vegas.¹⁵ The State Engineer finds that approval of Application 45719, 46022, 46957 and 47937 threatens to prove detrimental to the public interest by further lowering the groundwater table and increasing the potential for land subsidence. In addition, the State Engineer finds that approval of Application 45719, 46022, 46957 and 47937 would conflict with existing water rights.

¹² United States Geological Survey Water Supply Paper No. 1780, Glenn T. Malmberg, 1965.

¹³ Water Resources Bulletin No. 44, office of the State Engineer and the United States Geological Survey, 1976.

¹⁴ Data collected by the Division of Water Resources, State of Nevada, Las Vegas Branch. Pumpage inventories are maintained by meter readings and data provided by local water companies. Water levels of selected wells within the Las Vegas Valley Basin are measured periodically. The State Engineer's Office and U.S. Geological Survey have cooperatively maintained groundwater level monitoring networks in the Las Vegas Valley since 1945. This record contains substantial and conclusive evidence of deteriorating groundwater conditions.

¹⁵ Nevada Bureau of Mines and Geology, Bulletin No. 95, John W. Bell, 1981.

CONCLUSIONS

I.

The State Engineer has jurisdiction of the parties and the subject matter of this action.¹⁶

II.

The State Engineer may deny applications to appropriate groundwater in a designated basin in areas where water can be furnished by an entity such as a water district or a municipality presently engaged in furnishing water to the inhabitants thereof.¹⁷

III.

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

- A. There is no unappropriated water at 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.¹⁸

IV.

The State Engineer concludes that Applications 45719, 46022 and 47657 should be denied, because water service can be provided by the Las Vegas Valley Water District from an existing water main in close proximity to the proposed place of use of each application.

V.

The State Engineer concludes that Application 47937 should be denied, because water service can be provided by the City of North Las Vegas from an existing water main in close proximity to the proposed place of use of the application.

¹⁶ NRS Chapters 533 and 534.

¹⁷ NRS 534.120.

¹⁸ NRS Chapter 533.370 subsection 3.

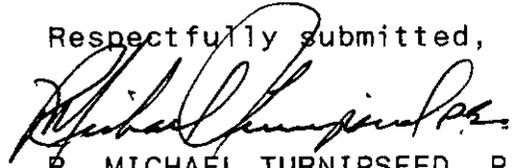
VI.

The State Engineer concludes that the approval of applications 45719, 46022, 46957 and 47937 would conflict with existing rights and would threaten to prove detrimental to the public interest.

RULING

The protests to Applications 45719, 46022, 46957 and 47937 are upheld and said Applications are hereby denied on the grounds that water service can be provided by municipal water utilities from existing water lines in close proximity to the place of use of each application, and that to issue permits for these applications would conflict with existing rights and would threaten to prove detrimental to the public interest.

Respectfully submitted,



R. MICHAEL TURNIPSEED, P.E.
State Engineer

RMT/CAB/pm

Dated this 16th day of
December, 1994.