

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

IN THE MATTER OF APPLICATION 81521 )  
FILED TO CHANGE THE PLACE OF USE )  
OF AN UNDERGROUND SOURCE )  
PREVIOUSLY APPROPRIATED UNDER )  
REVOCABLE PERMIT 40153 WITHIN )  
THE LAS VEGAS ARTSIAN BASIN (212), )  
CLARK COUNTY, NEVADA. )

**RULING**

**#6208**

**GENERAL**

**I.**

Application 81521 was filed on January 27, 2012, by Greenleaf Auto Recyclers, LLC, to change the place of use of 0.002 cubic feet per second, not to exceed 1.288938 acre-feet annually that being a portion of the water previously appropriated under revocable Permit 40153 from an underground source for industrial purposes. The proposed place of use is described as being located within the SW<sup>1</sup>/<sub>4</sub> SE<sup>1</sup>/<sub>4</sub> SW<sup>1</sup>/<sub>4</sub>, W<sup>1</sup>/<sub>2</sub> NW<sup>1</sup>/<sub>4</sub> SE<sup>1</sup>/<sub>4</sub> SW<sup>1</sup>/<sub>4</sub> and a portion of the W<sup>1</sup>/<sub>2</sub> SW<sup>1</sup>/<sub>4</sub> NE<sup>1</sup>/<sub>4</sub> SW<sup>1</sup>/<sub>4</sub> of Section 32, T.19S., R.62E., M.D.B.&M., further described as Clark County Assessor Parcel Nos. (APN) 123-32-301-013, 123-32-301-014, 123-32-401-002 and 123-32-401-006. The proposed point of diversion is described as being located within the SE<sup>1</sup>/<sub>4</sub> SW<sup>1</sup>/<sub>4</sub> of said Section 32.<sup>1</sup>

**FINDINGS OF FACT**

**I.**

An examination of records within the Office of the State Engineer finds that the original authorized place of use under revocable Permit 40153 is located within the NW<sup>1</sup>/<sub>4</sub> SE<sup>1</sup>/<sub>4</sub> SW<sup>1</sup>/<sub>4</sub>, W<sup>1</sup>/<sub>2</sub> NE<sup>1</sup>/<sub>4</sub> SW<sup>1</sup>/<sub>4</sub>, NW<sup>1</sup>/<sub>4</sub> SW<sup>1</sup>/<sub>4</sub>, SW<sup>1</sup>/<sub>4</sub> NW<sup>1</sup>/<sub>4</sub> and the W<sup>1</sup>/<sub>2</sub> SE<sup>1</sup>/<sub>4</sub> NW<sup>1</sup>/<sub>4</sub> of Section 32, T.19S., R.62E., M.D.B.&M.<sup>2</sup> The place of use authorized under revocable Permit 40153 does not include any area of the SW<sup>1</sup>/<sub>4</sub> SE<sup>1</sup>/<sub>4</sub> SW<sup>1</sup>/<sub>4</sub> of said Section 32, further described as APN 123-32-401-006. The State Engineer finds that APNs 123-32-301-013, 123-32-301-014, and 123-32-401-002 are within the authorized place of use under revocable Permit 40153 and that APN 123-32-401-006 is outside said authorized place of use.

<sup>1</sup> File No. 81521, official records in the Office of the State Engineer.

<sup>2</sup> File No. 40153, official records in the Office of the State Engineer.

## II.

The State Engineer finds that Permit 40153 was issued with a permit term indicating that the permit was subject to revocation if and when water service can be furnished by an entity such as a water district or a municipality engaged in furnishing water. Additionally, the permit indicates that it was issued within a designated area and that the State Engineer retained the right to regulate the use of the water at any and all times.

## III.

Pursuant to Nevada Revised Statute (NRS) § 534.120(3)(a) a revocable permit is a temporary permit issued for a specified place of use when no municipal service is available. Pursuant to NRS § 534.120(4)(a), this temporary permit becomes revocable when municipal service water lines are within 180 feet of the property line. The State Engineer finds that Permit 40153 is subject to revocation if a municipal water line is adjacent to the parcel containing the well and the entity providing water service is able to provide water service to the authorized place of use under revocable Permit 40153. The State Engineer further finds that APN 123-32-401-006, which is outside the authorized place of use under revocable Permit 40153, is ineligible for continued water service under a revocable permit if any property line is adjacent to a municipal water line that may provide water service.

## IV.

Nevada Revised Statute § 534.120(3)(b) provides that the State Engineer may deny applications to appropriate groundwater for any use in areas served by an entity such as a water district or municipality presently engaged in furnishing water to the inhabitants thereof.

An examination of electronic waterline records (facility view) within the Office of the State Engineer finds that the City of North Las Vegas (CNLV) maintains a municipal water service line along East Lone Mountain Road, which is adjacent to the southern property line of APN 123-32-401-006. No municipal water service line is adjacent to APNs 123-32-301-013, 123-32-301-014, and 123-32-401-002. CNLV was contacted to inquire if CNLV would or would not provide service to said parcel. By e-mail dated October 25, 2012, CNLV indicated that the water line along East Lone Mountain Road was a 12-inch line and that water service was available for APN 123-32-401-006. The State Engineer finds that an entity engaged in furnishing water is able to provide water service to the additional place of use proposed under Application 81521.

**CONCLUSIONS**

**I.**

The State Engineer has jurisdiction over the parties and the subject matter of this action and determination.<sup>3</sup>

**II.**

The State Engineer is prohibited by law from granting a permit under a change application that requests to appropriate the public waters where:<sup>4</sup>

- 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 protectable 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.

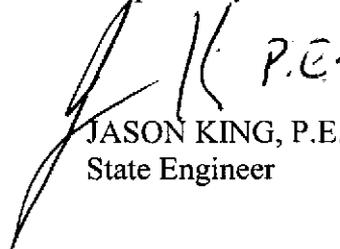
**III.**

Nevada Revised Statute § 534.120(3)(b) provides that the State Engineer may deny applications to appropriate groundwater for any use in areas served by an entity such as a water district or municipality presently engaged in furnishing water to the inhabitants thereof. The State Engineer concludes that APN 123-32-401-006 can be served water by a water provider; therefore, it is ineligible for water service from a revocable permit, and it would threaten to prove detrimental to the public interest to approve Application 81521 under these circumstances.

**RULING**

Application 81521 is hereby denied on the ground that its approval would threaten to prove detrimental to the public interest.

Respectfully submitted,

 P.E.  
JASON KING, P.E.  
State Engineer

Dated this 11th day of  
December, 2012.

<sup>3</sup> NRS chapters 533 and 534.

<sup>4</sup> NRS § 533.370(2).