

IN THE MATTER OF APPLICATION 37026 )  
FILED BY THE FINAN CORPORATION TO )  
APPROPRIATE WATER FROM AN UNDERGROUND )  
SOURCE IN THE LAS VEGAS ARTESIAN BASIN, )  
CLARK COUNTY, NEVADA )

R U L I N G

212

INTRODUCTION

Application 37026 was filed on March 15, 1979 to appropriate 0.01114 c.f.s. of water from an underground source in the Las Vegas Artesian Basin, Clark County, Nevada.

FINDINGS OF FACT

I

Application 37026 was filed on March 15, 1979 by the Finan Corporation to appropriate 0.01114 c.f.s. of water from an underground source for quasi-municipal purposes for four dwellings. The proposed point of diversion and place of use is described within the NW1/4 SE1/4 of Section 5, T.19S., R.60E., M.D.M. The period of use to be from January 1st to December 31st of each year. 1/

II

Letters protesting the granting of Application 37026 were received in the office of the State Engineer on September 28, 1979 from Moira Thompson; on October 1, 1979 from W. W. Coburn and on October 3, 1979 signed by a total of thirty-three persons including Moira Thompson and W. W. Coburn. The letters protested the granting of Application 37026 on the grounds that: 1) The area is not zoned for four (4) dwellings on a two (2) acre parcel; 2) one acre parcels are necessary for a permit for a well, septic tank and leach field; 3) each of the 1/2 acre parcels is to have a septic tank and leach field which will present a health hazard by seepage contaminating ground and well water in the area; 4) water usage will be doubled by four (4) families on a two (2) acre parcel where local zoning requires one acre for each residence for ranch estate property. 2/

III

A hearing was held before the State Engineer on October 30, 1979 in Las Vegas, Nevada, on the matter of the protests to Application 37026. 3/

IV

Testimony presented in behalf of the protestants stated that in their opinion; 1) a quasi-well will have more water consumption than single wells on larger acreage; 2) a quasi-well will bring a larger concentration of people into the area using more water; 3) additional quasi-well permits will create a miniature city outside Las Vegas which will have no community services; 4) a well within 1/2 mile of the subject well is measured once a year and the water level has dropped 15 feet in five years; 5) the revamping of the Floyd R. Lamb State Park will increase the water consumption in the area.

V

Testimony by the applicant reviewed his compliance with county zoning to 1/2 acre parcels and proper application to the State Engineer to appropriate the public water.

CONCLUSIONS

I

The State Engineer has jurisdiction of the parties and the subject matter of this action. 4/

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. 5/

III

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

IV

Application 37026 is made in proper form in compliance with the procedure set by statutes. No protests to the granting of Application 37026 were filed in compliance with the procedure set by statute. 6/

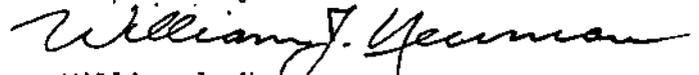
V

There are no existing water rights of record within one-half mile of the proposed point of diversion under Application 37026 that may be impaired.

RULING

Application 37026 is herewith approved 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 limited to a maximum of 1,000 gallons per day per residence.

Respectfully submitted,



William J. Newman  
State Engineer

WJN/bc

Dated this 11th day

of December 11, 1979.

#### FOOTNOTES

1. Public record available in the office of the State Engineer.
2. Public record available in the office of the State Engineer.
3. Transcript of October 30, 1979 hearing is a public record in the office of the State Engineer.
4. NRS 533.365.
5. NRS 533.370, Section 1.
6. NRS Chapters 533 and 534.