

IN THE MATTER OF APPLICATION NO. 10819)
IN NAME OF GEORGIENA BREARLEY TO APPRO-)
PRIATE UNDERGROUND WATER IN LAS VEGAS)
VALLEY, CLARK COUNTY, NEVADA.)

RULING

Application No. 10819 was filed April 28, 1942 by GeorgiENA Brearley to appropriate 0.02 c.f.s. of underground water for domestic purposes. The proposed point of diversion is at a point within the SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 33, T. 20 S., R. 61 E. and the place of use is on Lots 12 and 13 Block 1 Highland Park.

On July 27, 1942 said application was protested by Frank D. Rathbun, Civil Engineer, on behalf of his client Henry A. Studwell. The protest was based on the following allegations.

1. That application No. 10819 is to appropriate water from an existing well located on Lot 14 of Block 1 of Highland Park owned by Henry A. Studwell.
2. That on March 7, 1942 Henry Studwell made application to appropriate one c.f.s. of water from this same well on which GeorgiENA Brearley filed Application No. 10819
3. That it is the intention of Henry Studwell to lay such lines to serve the 91 lots he owns.

On March 25, 1942 Henry A. Studwell filed Application No. 10797 to appropriate water from an existing well located on Lot No. 14 Block 1, Highland Park and being within the SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 33, T. 20 S., R. 61 E. The well from which water was to be pumped under this application is the same well covered by Application No. 10819. On April 17, 1945 Application No. 10797 was granted for 0.5 c.f.s. of water for quasi-municipal and domestic purposes. In

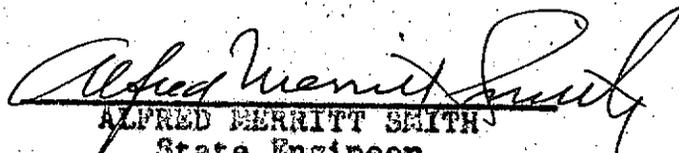
November, 1949, the Highland Park Water Association was formed for the purpose of distributing water appropriated under Permit No. 10797 and which allegedly has been assigned by Henry Studwell to said Association.

Since there is an existing association organized solely to distribute the water to the property owners within said Highland Park sub-division, and it appearing to this Office that any other permits granted to others to appropriate water from the same well would be detrimental to public interests, it is our opinion that said Application No. 10819 should be denied.

RULING

Application No. 10819 is herewith denied on the grounds that the granting thereof would be detrimental to the public welfare.

Respectfully submitted,


ALFRED MERRITT SMITH
State Engineer

November 30, 1949