

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

IN THE MATTER OF APPLICATION 56038)
FILED TO APPROPRIATE WATER FROM AN)
UNDERGROUND SOURCE IN THE LAS VEGAS)
ARTESIAN BASIN, CLARK COUNTY,)
NEVADA.)

RULING

3807

FINDINGS OF FACT

I.

Application 56038 was submitted March 21, 1991, by All Star Ready Mix., Inc. to appropriate 1.85 c.f.s. of water from an underground source in the NW1/2 NE1/4 Section 26, T.19S., R.62E., M.D.B.&M. The water is to be used for mining and aggregate production in portions of the NE1/4 Section 26, T.19S., R.62E., M.D.B.&M. The applicant estimates annual consumptive use to be 73.15 million gallons annually (M.G.A.).¹

II.

The State Engineer is empowered to make rules, regulations and orders in the interest of public welfare for ground water basins that are being depleted.²

III.

The State Engineer issued Order No. 833 December 27, 1982 amending the boundaries of the designated area of the Las Vegas Artesian Ground Water Basin and ordering denial of all applications

¹ Public record in the office of the State Engineer under Application 56038.

² NRS 534.120.

filed to appropriate underground water to irrigate land within the designated Las Vegas Artesian Basin.³

IV.

The State Engineer issued Order No. 1021 March 2, 1990, which states that "the State Engineer, as of the date of this order, will not consider any application to appropriate ground water except as provided under NRS 534.025 for any use within the designated area of the Las Vegas Valley Ground Water Basin as set forth in State Engineer's Order No. 833 that exceeds 4,000 gallons per day for commercial, industrial, quasi-municipal, recreational, wildlife or environmental control uses."⁴

V.

The State Engineer has denied applications similar to Application 56038 in the Las Vegas Artesian Basin.⁵

CONCLUSIONS

I.

The State Engineer has jurisdiction of the parties and the subject matter of this action.⁶

³ Public record in the office of the State Engineer under State Order No. 833.

⁴ Public record in the office of the State Engineer under State Order No. 1021.

⁵ Public record in the office of the State Engineer under Ruling No. 3443, June 15, 1987.

⁶ NRS Chapters 533 and 534.

II.

The State Engineer may deny an application without going to publication when a previous application for a similar use in the same basin has been denied.⁷

III.

The State Engineer is prohibited by law from granting a permit where:⁷

- 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.

IV.

The State Engineer concludes that Application 56038, for the proposed appropriation of 73.15 M.G.A. exceeds the State Engineer's Order of 4,000 gallons per day or 1.46 M.G.A.

V.

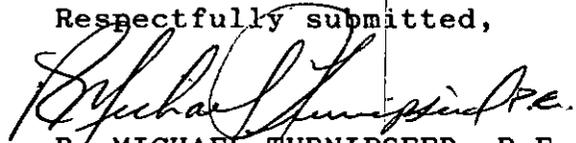
To approve the appropriation under 56038 would adversely affect existing rights and be detrimental to the public welfare.

⁷ NRS Chapter 533.370, subsection 3.

RULING

Application 56038 is denied on the grounds that the granting of a permit for this application would conflict with existing rights and be detrimental to the public interest.

Respectfully submitted,


R. MICHAEL TURNIPSEED, P.E.
State engineer

RMT/CAB/bk

Dated this 12th day of
June, 1991.