

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

IN THE MATTER OF APPLICATIONS 51866 AND)
57252 FILED TO APPROPRIATE THE PUBLIC)
WATERS OF AN UNDERGROUND SOURCE IN THE)
LAS VEGAS ARTESIAN BASIN (212), CLARK)
COUNTY, NEVADA.)

RULING
4208

GENERAL

I.

Application 51866 was filed February 24, 1988, by Ken Mayer to appropriate 0.012 cfs (cubic feet per second) of water from an underground source for quasi-municipal purposes to serve 5 homes within the SE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 33, T.19S., R.60E., M.D.B.&M. The place of use is further identified as Assessor Parcel Numbers (APNs) 125-33-302-12, 125-33-302-13, 125-33-302-14, 125-33-302-15 and 125-33-302-16. The point of diversion is described as being within the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 33. Application 51866 became ready for action by the State Engineer July 30, 1988.¹

Application 57252 was filed February 28, 1992, by Gary and Carol Vosburg to appropriate 0.0092 cfs of water from an underground source for quasi-municipal purposes to serve 4 homes within the NW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 33, T.19S., R.60E., M.D.B.&M. The place of use is also identified as Assessor Parcel Number (APN) 125-33-305-001. The point of diversion is described as being within the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 33. Application 57252 became ready for action by the State Engineer June 1, 1992.²

¹ Public record in the Office of the State Engineer, Application 51866.

² Public record in the Office of the State Engineer, Application 57252.

II.

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.³

III.

The proposed points of diversion and places of use of Applications 58166 and 57252 are located within the service area of the Las Vegas Valley Water District.⁴

FINDINGS OF FACT

I.

The Las Vegas Valley Water District is able to provide water service to the place of use of Application 51866 by an 8 inch water main located on Royer Ranch Road on the east side of the place of use.⁵

The Las Vegas Valley Water District can also provide water service to the place of use of Application 57252 by an 8 inch water line located on Royer Ranch Road approximately 150 feet away. The Las Vegas Valley Water District can provide service to the places of use of Applications 51866 and 57252 if the applicants complete the Water District's requirements for service.⁶

The State Engineer finds that water service can be provided by the Las Vegas Valley Water District to the places of use of Applications 51866 and 57252.

³ State Engineer's Order No's. 175, 182, 189, 249, 275 and 833, official records in the office of the State Engineer.

⁴ Public records in the office of the State Engineer, Hydrographic Basin Abstract 13-212 and Las Vegas Valley Water District Service Area Maps.

⁵ Public record in the office of the State Engineer, Field Inspection May 5, 1992, and telephone conversation with the Las Vegas Valley Water District, October 20, 1992.

⁶ Public record in the office of the State Engineer, letter dated September 10, 1992, from the Las Vegas Valley Water District, and Memorandum to File dated October 20, 1992.

II.

The perennial yield of groundwater for the Las Vegas Artesian Basin is estimated to be 25,000 to 30,000 AFA.⁷ In addition, Nevada is entitled to 300,000 acre feet of consumptive use from the Colorado River. The majority of this water is pumped into the Las Vegas Basin. The source of this water is Lake Mead, imported by the Southern Nevada Water Project.⁸

The quantity of water pumped from the groundwater in 1993 was 67,356 acre feet.⁹ 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.¹⁰ The State Engineer has had an active revocation program since 1955 and has been diligent in decreasing the reliance on groundwater in favor of economic development being served by Colorado River water. The State Engineer finds that approval of Applications 51866 and 57252 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 Applications 51866 and 57252 would conflict with existing water rights.

⁷ United States Geological Survey Water Supply Paper No. 1780, Glenn T. Malmberg, 1965.

⁸ Water Resources Bulletin No. 44, office of the State Engineer and the United States Geological Survey, 1976.

⁹ 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 is substantial and conclusive evidence of deteriorating groundwater conditions.

¹⁰ 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.¹¹

II.

The State Engineer may deny applications to appropriate groundwater in a designated basin for any purpose in areas served by an entity such as a water district or a municipality presently engaged in furnishing water to the inhabitants thereof.¹²

III.

The State Engineer is prohibited by law from granting a permit under 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.¹³

IV.

The State Engineer concludes that Applications 51866 and 57252 should be denied, because water service from the Las Vegas Valley Water District is available to the proposed place of use of each application from an existing water main.

V.

The approval of Applications 51866 and 57252 would conflict with existing rights and would threaten to prove detrimental to the public interest.

¹¹ NRS Chapters 533 and 534.

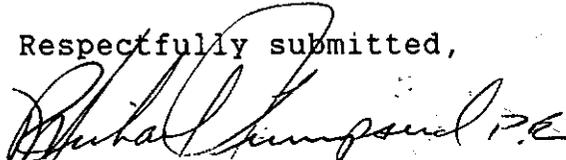
¹² NRS 534.120, subsections 1, 2 and 3.

¹³ NRS Chapter 533.370 subsection 3.

RULING

Applications 51866 and 57252 are hereby denied on the grounds that water service can be provided by the Las Vegas Valley Water District 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 7th day of
August, 1995.