

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

IN THE MATTER OF APPLICATION 64322 )  
FILED TO CHANGE THE POINT OF )  
DIVERSION AND PLACE OF USE OF )  
UNDERGROUND WATER PREVIOUSLY )  
APPROPRIATED WITHIN THE LAS VEGAS )  
ARTESIAN HYDROGRAPHIC BASIN (212), )  
CLARK COUNTY, NEVADA )

**RULING**

**# 4981**

**GENERAL**

**I.**

Application 64322 was filed on July 17, 1998, by Ronald Dee Williams and Lynn Williams to change the point of diversion and place of use of 0.0064 cubic feet per second (cfs), not to exceed 4.63 acre-feet annually (afa), a portion of underground water previously appropriated under Permit 52027, Certificate 13787. The proposed manner of use is for the irrigation of 0.8 acres within the SE $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 20, T.20S., R.62E., M.D.B.& M. The proposed point of diversion is described as being a completed (existing) well located within the SE $\frac{1}{4}$  SE $\frac{1}{4}$  of said Section 20. Item 15, Remarks, of the application provides that the, water is to be added to the existing well, under existing Permits 58052 and 62399, to make sure there is no overpumpage of the water.<sup>1</sup>

**II.**

Certificate 13787, issued on November 22, 1993, under Permit 52027 held by Ronald Dee Williams and/or Lynn Williams allows for the diversion of 0.02 cfs, not to exceed 14.48 afa, for irrigation of 2.5 acres within the NW  $\frac{1}{4}$  NE $\frac{1}{4}$  and NE  $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 34, T.20S., R.62E., M.D.B.& M. The point of diversion is described as being located within the NW $\frac{1}{4}$  NE $\frac{1}{4}$  of said Section 34.<sup>2</sup>

**III.**

Certificate 15136, issued on February 1, 1999, under Permit 58052 held by Larry Bryan allows for the diversion of 0.0037 cfs, not to exceed 0.65 million gallons annually (mga), for quasi-municipal purposes to provide water service to two single family

<sup>1</sup> File No. 64322, official records in the office of the State Engineer.

<sup>2</sup> File No. 52027, official records in the office of the State Engineer.

dwellings within the SE $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 20, T.20S., R.62E., M.D.B.& M. The point of diversion is described as being located within the SE $\frac{1}{4}$  SE $\frac{1}{4}$  of said Section 20.<sup>3</sup>

Certificate 15296, issued on August 31, 1999, under Permit 62399 held by Larry Bryan allows for the diversion of 0.0142 cfs, not to exceed 3.0 AFA, for quasi-municipal purposes to provide water service to two single family dwellings within the SE $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 20, T.20S., R.62E., M.D.B.& M. The point of diversion is described as being located within the SE $\frac{1}{4}$  SE $\frac{1}{4}$  of said Section 20. Certificate 15296 provides that the total combined duty of water under this certificate and Permit 58052, Certificate 15136, shall not exceed 5.0 acre feet annually.<sup>4</sup>

### FINDINGS OF FACT

#### I.

The State Engineer finds that the proposed point of diversion of Application 64322 is an existing well that is also the point of diversion under Permit 58052, Certificate 15136, and Permit 62399, Certificate 15296, and is described by Well Log No. 41391 in the State Engineer's records and in File Nos. 58052 and 62399.<sup>1,3,4</sup>

#### II.

Before either approving or rejecting the application, the State Engineer may require such additional information as will enable him to properly guard the public interest.<sup>5</sup> By letter dated April 22, 1999, the applicants were requested to provide a written agreement from Larry Bryan, the permittee under Permits 58052 and 62399, for the use of Mr. Bryan's well as the proposed point of diversion under Application 64322. This letter also inquired if title to any permit granted under Application 64322 would be assigned to Larry Bryan, if a permit was granted. Copies of this letter were sent to Larry Bryan and to the applicants' agent Fulstone Enterprises, Inc. The State Engineer finds that no answer to this letter was received from the parties.<sup>1</sup>

By certified letter dated July 21, 1999, the applicants were again requested to provide a written agreement from Larry Bryan for use of Mr. Bryan's well as the proposed point of diversion found under Application 64322, and to advise if title to any permit for Application 64322 would be assigned to Mr. Bryan. A copy of this letter was

<sup>3</sup> File No. 58052, official records in the office of the State Engineer.

<sup>4</sup> File No. 62399, official records in the office of the State Engineer.

<sup>5</sup> NRS § 534.375.

sent certified mail to Larry Bryan and regular mail to Fulstone Enterprises, Inc. The return receipts for certified mail show the letters were received by both addressees on July 23, 1999. The State Engineer finds that no answer to this letter has been received from the parties.<sup>1</sup>

### CONCLUSIONS

#### I.

The State Engineer has jurisdiction over the parties and the subject matter of this action and determination.<sup>6</sup>

#### II.

Before either approving or rejecting an application, the State Engineer may require such additional information as will enable him to properly guard the public interest.<sup>5</sup>

#### III.

The State Engineer is prohibited by law from granting a change application to appropriate the public waters where:<sup>7</sup>

- A. the proposed use conflicts with existing rights; or
- B. the proposed use threatens to prove detrimental to the public interest.

#### IV.

The State Engineer's records show that title to Permit 58052, Certificate 15136, and Permit 62399, Certificate 15296, belongs to Larry Bryan and that the well which is the point of diversion for the permits was owned by Larry Bryan when it was drilled. The State Engineer concludes that to grant a permit under Application 64322 to Ronald Dee Williams and Lynn Williams for use from the Bryan well without an agreement from Larry Bryan, or without being advised that the permit would be assigned to Mr. Bryan, would threaten Mr. Bryan's interest, and would thereby threaten to prove detrimental to the public interest.

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<sup>6</sup> NRS chapters 533 and 534.

<sup>7</sup> NRS § 533.370(3).

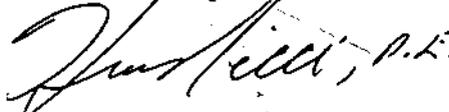
V.

The applicants under Application 64322 were properly notified and requested to provide an agreement for use of Larry Bryan's well and to advise if any permit under Application 64322 would be assigned to Larry Bryan, if a permit was granted. The applicants failed to respond to the request. The State Engineer concludes that sufficient information is not available to properly guard the public interest and to grant a permit under Application 64322 would threaten to prove detrimental to the public interest.

**RULING**

Application 64322 is hereby denied on the grounds that to grant a permit for use of water out of another person's well without that person's permission would threaten to prove detrimental to the public interest.

Respectfully submitted,



HUGH RICCI, P.E.

State Engineer

HR/CAB/cl

Dated this 7th day of  
November, 2000.