

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

IN THE MATTER OF APPLICATION 65155)
FILED TO APPROPRIATE THE PUBLIC)
WATERS OF AN UNDERGROUND SOURCE)
IN THE LAS VEGAS ARTESIAN BASIN (212),)
CLARK COUNTY, NEVADA.)

RULING

5001

GENERAL

I.

Application 65155 was filed on May 28, 1999, by K.S. Nevada, Inc., to appropriate 0.046 cubic feet per second (cfs) of water from an underground source for quasi-municipal purposes to provide water service to two lots within the SW¼ NW¼ of Section 35, T. 19S., R. 60 E., M.D.B.& M. The proposed point of diversion is described as an existing well located within the SW¼ NW¼ of said Section 35. A letter from the applicant accompanying the application provided copies of documentation as to cancelled Permit 54906 and the Well Driller's Report for Permit 54906 to support Application 65155, and requested Permit 54906 either be reactivated or a new permit issued.¹

FINDINGS OF FACT

I.

The State Engineer initially described and designated a portion of the Las Vegas Artesian Basin on January 10, 1941, under the provisions of Nevada Revised Statutes (NRS) Chapter 534 as a basin in need of additional administration.² The State Engineer subsequently extended the boundaries of the designated area of the Las Vegas Artesian Basin on February 29, 1944, November 22, 1946, April 18, 1961, May 25, 1964, and December 27, 1983.³

Pursuant to State Engineer's Amended Order 1054⁴, all applications filed after March 23, 1992, requesting the use of water from the Las Vegas Artesian Basin would be denied with a few exceptions, one of those exceptions being applications filed for the

¹ File No. 65155, official records in the office of the State Engineer.

² State Engineer's Order No. 175, dated January 10, 1941, official records in the office of the State Engineer.

³ State Engineer's Order Nos. 182, 189, 249, 275, and 883, respectively, official records in the office of the State Engineer.

⁴ State Engineer's Amended Order No. 1054, dated April 15, 1992, official records in the office of the State Engineer.

purposes of reinstating a permit that was cancelled, but only where some use of the water has been made and is existing.

The State Engineer finds that the proposed point of diversion under Application 65155 is within the boundaries of the designated Las Vegas Artesian Basin and that the application indicated it was filed under exception 2 of Amended Order No. 1054 for the purpose of reinstating Permit 54906, which was cancelled June 26, 1998.

II.

The State Engineer's staff conducted a field investigation at the place of use described under Application 65155 on May 28, 2000. This field investigation found that the proposed place of use consisted of two homes located on lots described by Clark County Assessor's Parcel Numbers (APN) 125-35-201-016 and 125-35-201-017. The existing well drilled under cancelled Permit 54906 is located on Parcel -017 and provides water service only to the home located on that parcel. The home that is located on Parcel -016 is provided water service by the Las Vegas Valley Water District from a water line adjacent to the lot.⁵ The State Engineer finds that the home on Parcel -016 does not need water service from any permit granted for Application 65155 because water service to this parcel is currently provided by the Las Vegas Valley Water District, and there is no use existing on this parcel under cancelled Permit 54906.

III.

Domestic use extends to culinary and household purposes, in a single-family dwelling, the watering of a family garden, lawn and the watering of domestic animals.⁶ Domestic water use for a single-family dwelling is allowed from a well without an appropriation permit. The State Engineer finds that water service from the well to the home, on Parcel -017 is domestic use as defined under NRS § 534.013, and does not require a permit to appropriate water.

IV.

Before either approving or rejecting the application, the State Engineer may require such additional information as will enable him to guard the public interest.⁷ By

⁵ Field Investigation dated May 26, 2000, part of File No. 65155, official records in the office of the State Engineer.

⁶ NRS § 534.013.

⁷ NRS § 533.375.

letter dated July 6, 2000, the applicant under Application 65155, K.S. Nevada, Inc., was advised that APN 125-35-201-016 was found to be connected to water service from the Las Vegas Valley Water District and, therefore, could not be provided water from a well if a permit was granted under Application 65155. The applicant was further informed that the domestic use for the single-family dwelling located on APN 125-35-201-17 does not require a water right permit. K.S. Nevada, Inc., was requested to withdraw Application 65155 if they had no further interest in the application. Other parties with interest in APN 125-35-201-016 and -017, as shown by the Assessor's ownership records, were sent the same letter. The State Engineer finds there has been no response to the July 6, 2000, letter.¹

CONCLUSIONS

I.

The State Engineer has jurisdiction over the parties and the subject matter of this action and determination.⁸

II.

The State Engineer may deny applications to appropriate ground water in a designated basin for any purposes in areas served by an entity such as a water district or a municipality presently engaged in furnishing water to the inhabitants thereof.⁹

III.

The State Engineer is prohibited by law from granting an application to appropriate the public waters where:¹⁰

- 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 65155 should be denied because water service from the Las Vegas Valley Water District is provided to the home on APN

⁸ NRS chapters 533 and 534.

⁹ NRS § 534.120 subsections 1, 2, and 3.

¹⁰ NRS § 533.370(3).

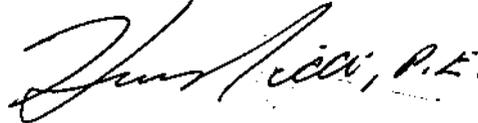
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125-35-201-016; therefore, the permit could not be reinstated for use at APN 1325-35-201-016 because no use exists from the well authorized under cancelled Permit 54906 on that parcel. The State Engineer concludes that the water provided to the home on APN 125-35-201-017 is from a domestic well. The State Engineer concludes that approval of Application 65155 when the applicant expressed no interest in pursuing said application, would threaten to prove detrimental to the public interest, and does not comply with the provisions of Amended Order No. 1054.

RULING

Application 65155 is denied on the grounds that to grant a permit for this application would threaten to prove detrimental to the public interest.

Respectfully submitted,



HUGH RICCI, P.E.

State Engineer

HR/CAB/cl

Dated this 23rd day of
January, 2001..