



**THE STATE OF NEVADA**  
**APPLICATION TO APPROPRIATE WATER**

**Name of Applicant:** MOAPA BAND OF PAIUTES  
**Source:** UNDERGROUND  
**Basin:** CALIFORNIA WASH  
**Manner of Use:** COMMERCIAL  
**Period of Use:** JANUARY 1ST THROUGH DECEMBER 31ST  
**Priority Date:** 06/14/1999

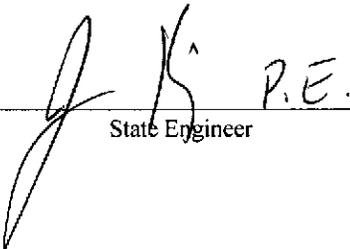
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**DENIAL OF STATE ENGINEER**

The protests to this application are hereby upheld in part and the application is hereby denied on the grounds that there is no unappropriated groundwater at the source of the supply, the proposed use would conflict with existing rights in the Order 1169 basins and the proposed use of the water would threaten to prove detrimental to the public interest in that it would threaten the water resources upon which the endangered Moapa dace are dependent. No ruling is made on the merits of the remaining protest grounds.

IN TESTIMONY WHEREOF, I, JASON KING, P.E.,

State Engineer of Nevada, have hereunto set my hand and the  
seal of my office, this 29<sup>th</sup> day of January, 2014

  
\_\_\_\_\_  
State Engineer

**APPLICATION FOR PERMIT  
TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF  
NEVADA**

Date of filing in State Engineer's Office JUN 14 1999

Returned to applicant for correction \_\_\_\_\_

Corrected application filed \_\_\_\_\_

Map filed JUN 14 1999

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The applicant **THE MOAPA BAND PAIUTES**, hereby make application for permission to appropriate the public waters of the State of Nevada, as hereinafter stated.

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1. The source of the proposed appropriation is **AN UNDERGROUND SOURCE**
2. The amount of water applied for is **0.5 CFS second-feet**
  - (a) If stored in reservoir give number of acre-feet
3. The water to be used for **COMMERCIAL AND DOMESTIC PURPOSES**
4. If use is for:
  - (a) Irrigation, state number of acres to be irrigated
  - (b) Stockwater, state number and kinds of animals to be watered
  - (c) Other use (describe fully under No. 12. "Remarks")
  - (d) Power:
    - (1) Horsepower developed
    - (2) Point of return of water to stream
5. The water is to be diverted from its source at the following point **WITHIN THE SE1/4 OF THE NW1/4 OF SECTION 31, TOWNSHIP 16 SOUTH, RANGE 65 EAST, MDB&M AT A POINT THAT BEARS NORTH 42° 00' WEST A DISTANCE OF 1170 FEET FROM THE CENTER QUARTER (C1/4) CORNER OF SAID SECTION 31.**
6. Place of Use **WITHIN THE SE1/4 OF THE NW1/4 OF SECTION 31, TOWNSHIP 16 SOUTH, RANGE 65 EAST, MDB&M**
7. Use will begin about **JANUARY 1** and end about **DECEMBER 31** of each year.
8. Description of proposed works **WELL, CASING, PUMPS, PRESSURE TANK AND DISTRIBUTION PIPELINE.**
9. Estimated cost of works **\$15,000.00**
10. Estimated time required to construct works **2 YEARS**
11. Estimated time required to complete the application of water to beneficial use **5 YEARS**
12. Remarks: **WATER IS TO SERVE THE EXISTING COMMERCIAL BUILDING AND POSSIBLE FUTURE DEVELOPMENT.**

By s/ Stephen F. Turner, agent  
1210 HINSON STREET  
LAS VEGAS, NEVADA 89102

Compared gkl /cmfProtested 09/07/00 by US dept. of the Interior, National Park Service;

65197

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# MOAPA BAND OF PAIUTES

MOAPA RIVER INDIAN RESERVATION

BOX 340

MOAPA, NEVADA 89025

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## NOTE

The location of the proposed well, as well as the place of proposed use, are on the Moapa Indian Reservation. The lands in question were reserved by the United States for the benefit of the Tribe through enactment of Pub. L. 96-491. The priority date of the Tribe's water rights associated with such lands is no later than the date the lands were reserved --- December 2, 1980.

By filing this application, the Tribe intends to accommodate Nevada water law to the extent consistent with the Tribe's sovereign status. By this filing, however, the Tribe does not waive any legal rights it may have. In particular, the Tribe reserves the right to claim a federally reserved water right associated with tribal lands based on *Winters v. United States*, 207 U.S. 564 (1908), and that the State of Nevada lacks jurisdiction over the Tribe's water rights or the use of water on the Tribe's lands. The filing of this application should not be construed as consent to such jurisdiction.