

IN THE MATTER OF APPLICATION 27412,)
FILED BY THE STATE OF NEVADA,)
DEPARTMENT OF FISH AND GAME)
TO APPROPRIATE WATER FROM MUDDY RIVER))
IN CLARK COUNTY, NEVADA)

R U L I N G

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GENERAL:

Application 27412 was filed April 16, 1973, by the State of Nevada, Department of Fish and Game, to appropriate 25 c.f.s. of the waters of the Muddy River and tributaries for fish, wildlife and recreation use, to be diverted within the SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 19, T.16S., R.68E., M.D.B.& M. The place of use is described as including portions of Sections 19, 20, 29, 32 and 33, T.16S., R.68E., M.D.B.& M. and the period of use would begin on January 1st and end December 31st of each year.

Application 27412 was protested September 19, 1973, by the Muddy Valley Irrigation Company on the following grounds:

1. Granting of the application would adversely affect the decreed water rights of the protestant.
2. The records indicate Application No. 10188, Certificate No. 5126, Book 15, page 5126, for 25 c.f.s. was granted to the United States of America, Department of Interior, National Park Service, covering the same acreage. If the applicant now owns or leases this acreage, it probably acquired the water rights under Certificate No. 5126, and another 25 c.f.s. would be excessive and unwarranted.

The Muddy River was adjudicated and a State Decree issued on March 12, 1920.

OPINION:

It is the opinion of this office that, since the applicant is the last user on the Muddy River before it enters Lake Mead, no existing rights will be affected by the granting of a permit for Application 27412.

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RULING:

The protest to the granting of Application 27412 is herewith overruled and a permit will be issued upon receipt of the statutory permit fee, subject to all existing rights on the source with the understanding that the water is limited to that which is available at the point of diversion without demand for release upon any present upstream user. Some of the lands under Application 27412 also receive water from a permit to be issued under Application 27411 and Certificate 5126, but the total duty of water from all sources shall not exceed 4.0 acre feet per acre annually.

Respectfully submitted,


Roland D. Westergard
State Engineer

Dated this 26th day
of March, 1974.

RDW/SH/bs