

IN THE MATTER OF APPLICATION 42636 )  
TO CHANGE PERMIT 38656 TO APPROPRIATE )  
WATER FROM AN UNDERGROUND SOURCE IN )  
THREE LAKES VALLEY, CLARK COUNTY, )  
NEVADA )

R U L I N G

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INTRODUCTION

Application 42636 was filed by the Nevada State Public Works Board to change the point of diversion, manner and place of use of Permit 38656.

FINDINGS OF FACT

I

Application 42636 was filed on October 10, 1980 by the Nevada State Public Works Board to change the point of diversion, manner and place of use of water heretofore appropriated under Permit 38656. The proposed point of diversion is located within the SW $\frac{1}{4}$  NW $\frac{1}{4}$  Section 33, T.16S., R.57E., M.D.M., or at a point from which the NW corner of said Section 33 bears N. 28° 11' 06" W., a distance of 2,145.72 feet. The existing point of diversion is described as within the SE $\frac{1}{4}$  NW $\frac{1}{4}$  Section 33, T.16S., R.57E., M.D.M., or at a point from which the NW corner of said Section 33 bears N. 29° 27' 39" W., a distance of 2,948.77 feet. The proposed manner of use is for quasi-municipal use. The existing manner of use is for fire protection. The proposed place of use is described as all of Section 33, T.16S., R.57E., M.D.M. The existing place of use is within portions of the NE $\frac{1}{4}$  NW $\frac{1}{4}$ , S $\frac{1}{2}$  NW $\frac{1}{4}$ , NW $\frac{1}{4}$  SW $\frac{1}{4}$ , E $\frac{1}{2}$  SW $\frac{1}{4}$ , SW $\frac{1}{4}$  NE $\frac{1}{4}$  and the NW $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 33, T.16S., R.57E., M.D.M. The period of use remains unchanged from January 1st to December 31st of each year. 1/

II

A protest to the granting of Application 42636 was timely filed on December 17, 1980 by James H. Brauer. The basis of protest is a concern that the relocation of the proposed well under Application 42636 will adversely affect the water supply to the community of Indian Springs and that the original well did not yield as claimed and was not in use. 2/

III

By Order No. 745 dated May 28, 1980, the State Engineer designated the southern part of Three Lakes Valley. 3/

CONCLUSIONS

I

The State Engineer has jurisdiction of the parties and the subject matter of this action. 4/

II

The State Engineer is prohibited by statute from granting a permit where:

- A. There is no unappropriated water at the proposed source, or
- B. The proposed use or change conflicts with existing rights, or
- C. The proposed use or change threatens to prove detrimental to the public welfare. 5/

III

Application 38656 was filed on July 24, 1979 by the Nevada State Public Works Board and a permit to appropriate 0.41 c.f.s., but not to exceed 0.277 million gallons of water annually, was granted on May 28, 1980. Permit 38656 is the only valid permit in Three Lakes Valley. 6/

IV

No protest to the granting of Application 38656 was received within the statutory protest period. 7/

V

There are provisions in the statutes for changing the point of diversion, manner and place of use of existing rights. 8/

VI

The location of the proposed well under Application 42636 is on the alluvial fan in the drainage area from the Spring Mountains. No additional appropriation of water is requested or will be granted.

VII

The proposed well site under Application 42636 is situated within the Three Lakes Valley hydrologic basin approximately 8 miles from Indian Springs. The protestant's source of water supply is located within the Indian Springs hydrologic basin.

RULING

The protest to Application 42636 is herewith overruled on the grounds that the proposed change is an existing right located in a separate hydrologic basin. A permit will be granted to Application 42636 on the grounds that the granting will not adversely affect existing rights or be detrimental to the public interest.

Respectfully submitted,



*William J. Newman*

William J. Newman—  
State Engineer

WJN/bc

Dated this 28th day of  
JANUARY, 1981.

## FOOTNOTES

1. Public record available in the office of the State Engineer.
2. Public record available in the office of the State Engineer.
3. Order No. 745 dated May 28, 1980 is a public record available in the office of the State Engineer.
4. NRS 533.025 and NRS 533.030, Section 1.
5. NRS 533.370, Section 4.
6. Public record available in the office of the State Engineer.
7. NRS 533.365, Section 1.
8. NRS 533.345.