

IN THE OFFICE OF THE STATE ENGINEER

IN THE MATTER OF APPLICATIONS 42640,) 42641 AND 43111 FILED TO APPROPRIATE) THE PUBLIC WATERS OF AN) UNDERGROUND SOURCE IN LAS VEGAS) VALLEY, CLARK COUNTY, NEVADA.)

RULING

GENERAL

Application 42640 was filed on October 14, 1980, by Anita R. Taylor to appropriate 0.055 c.f.s. of water from an underground source for quasi-municipal and domestic purposes within the SW1/4 NW1/4 Section 7, T.19S., R.60E., M.D.B.&M. The point of diversion is described as being within the SW1/4 NW1/4 Section 7, T.19S., R.60E., M.D.B.&M. Information contained in the application indicates that the water is to be used to partly support a Carey Land Act segregation.¹

Application 42641 was filed on October 14, 1980, by George Abbott to appropriate 0.055 c.f.s. of water from an underground source for quasi-municipal and domestic purposes within the SE1/4 NW1/4 Section 7, T.19S., R.60E., M.D.B.&M. The point of diversion is described as being within the SE1/4 NW1/4 Section 7, T.19S., R.60E., M.D.B.&M. Information contained in the application indicates that the water is to be used to partly support a Carey Land Act segregation.¹

Application 43111 was filed on January 16, 1981, by Barbara Lynn Harris to appropriate 0.055 c.f.s. of water from an underground source for quasi-municipal and domestic purposes within the NW1/4 NW1/4 Section 6, T.19S., R.60E., M.D.B.&M. The point of diversion is described as being within the NW1/4 NW1/4 Section 6, T.19S., R.60E., M.D.B.&M. Information contained in the application indicates that the water is to be used to partly support a Carey Land Act segregation.¹

FINDINGS OF FACT

I.

As of January 21, 1985, the Division of State Lands has no Carey Land Act applications in the names of Anita R. Taylor, George Abbott or Barbara Lynn Harris.²

II.

The Division of State Lands is no longer accepting Carey Land Act applications.³

¹ Public record in the office of the State Engineer.

² Confidential records in the Division of State Lands.

³ See letter dated November 15, 1984, from the Division of State Lands filed under Application 34819.

III.

The proposed points of diversion under Applications 42640, 42641 and 43111 are all on public lands.⁴

CONCLUSIONS

I.

The State Engineer has jurisdiction of the parties and the subject matter of this action.⁵

II.

Applications 42640, 42641 and 43111 were filed to partly support applications under the Carey Act program.¹

III.

There are no Carey Act applications on file under the names of the applicants under water right applications 42640, 42641 and 43111.²

IV.

No applications can be filed under the Carey Land Act program with the Division of State Lands.

V.

The applicants under Applications 42640, 42641 and 43111 have no interest in the lands described as the points of diversion and places of use under said applications.

⁴ Telephone conversation with the Bureau of Land Management, Land Information Office, on January 21, 1985.

⁵ NRS 533.025 and NRS 533.030(1).

RULING

Applications 42640, 42641 and 43111 are hereby denied on the grounds that to grant the applications for quasi-municipal purposes on lands the applicant does not own or control or where the applicant cannot demonstrate the ability to place the water to beneficial use, would not be in the public interest and welfare.

Respectfully submitted,


PETER G. MORROS
State Engineer

PGM/KN/bl

Dated this 15th day of
May, 1985.