

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

IN THE MATTER OF APPLICATIONS 54697)
AND 54698 FILED TO APPROPRIATE THE)
PUBLIC WATERS OF AN UNDERGROUND)
SOURCE WITHIN THE GARNET VALLEY)
HYDROGRAPHIC BASIN (216), AND THE)
CALIFORNIA WASH HYDROGRAPHIC BASIN)
(218), RESPECTIVELY, CLARK COUNTY,)
NEVADA.)

RULING

4944

GENERAL

I.

Application 54697 was filed on April 26, 1990, by Aztec Glass Sand Corporation to appropriate 1.0 cubic foot per second (cfs) of underground water for mining purposes within the NE $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$ and the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 3, T.19S., R.63E., M.D.B.&M. The proposed point of diversion is described as being located within the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of said Section 3.¹

II.

Application 54698 was filed on April 26, 1990, by Aztec Glass Sand Corporation to appropriate 1.0 cfs of underground water for mining purposes within the W $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 12, T.18S., R.65E., M.D.B.&M., and the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 11, T.18S., R.65E., M.D.B.&M. The proposed point of diversion is described as being located within the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of said Section 12.²

III.

Application 54698 was timely protested by the United States Department of the Interior, National Park Service on the following grounds:²

- A. The public interest will not be served if water and water-related resources in the nationally important Lake Mead NRA, are diminished or impaired as a result of the appropriation and diversion proposed by this application.

¹ File Number 54697, official records in the office of the State Engineer.

² File Number 54698, official records in the office of the State Engineer.

- B. If approved, the appropriation and diversion proposed by this application will eventually reduce or eliminate the flows of springs and the Muddy River within Lake Mead NRA which are discharge areas for local and regional groundwater flow systems. The NPS's senior water rights, water resources, and water-related resource attributes would thus be impaired. Such impacts are not in the public interest.
- C. Lake Mead NRA has Nevada State appropriative water rights for Kelsey's Springs, Roger's Spring, and Muddy Creek (River) which will be impaired by the appropriation and diversion proposed by this application.
- D. If approved, the appropriation and diversion proposed by this application will affect the flows of Blue Point, Rogers and Corral Springs relatively soon after the withdrawals begin.
- E. The cumulative effects of the appropriation and diversion proposed by this application and other applications within the regional groundwater flow systems will impair the senior water rights of Lake Mead NRA more quickly and/or to a greater degree than the diversion under this application alone. The diversions proposed by LVVWD in these basins exceed the water available for appropriation.

FINDINGS OF FACT

I.

Every water right application that is submitted to the office of the State Engineer in its proper form must contain the name of the applicant. If the applicant is a corporation, it is required that the date and place of incorporation be included in the application form. Information provided by the applicant on the application forms indicates that Aztec Glass Sand Corporation was incorporated in February 1990. The State Engineer finds that at the time of the filing of Applications 54697 and 54698, Aztec Glass Sand Corporation, existed as a Nevada corporation and as such, was qualified to request appropriations of water through the statutory permitting process.

II.

On June 9, 2000, the office of the State Engineer obtained information from the Nevada Secretary of State's office regarding the corporate status of Aztec Glass Sand Corporation.¹ This information indicated that Aztec Glass Sand Corporation was classified as a revoked entity. The State Engineer finds that Aztec Glass Sand Corporation's revoked status disqualifies it from obtaining water right permits from the office of the State Engineer.

CONCLUSIONS

I.

The State Engineer has jurisdiction over the parties and the subject matter of this action and determination.³

II.

The State Engineer is prohibited by law from granting an application to appropriate the public waters where:⁴

- A. there is no unappropriated water at the proposed source;
- B. the proposed use conflicts with existing rights; or
- C. the proposed use threatens to prove detrimental to the public interest.

III.

Applications 54697 and 54698 were filed by a corporation that is currently classified as a revoked entity by the Nevada Secretary of State's office. The State Engineer concludes that the approval of water right permits to a revoked corporate entity would threaten to prove detrimental to the public interest.

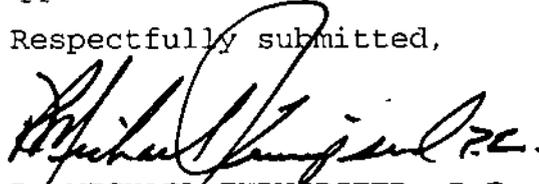
³ NRS chapters 533 and 534.

⁴ NRS § 533.370(3).

RULING

Application 54697 and Application 54698 are hereby denied on the grounds that their approval would threaten to prove detrimental to the public interest. No ruling is made on the merits of the protest to Application 54698.

Respectfully submitted,



R MICHAEL TURNIPSEED, P.E.

State Engineer

RMT/MDB/cl

Dated this 11th day of
July, 2000.